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BEFORE THE  
UNITED STATES COMMISSION ON CIVIL RIGHTS  
LOUISIANA ADVISORY COMMITTEE

\* \* \* \* \*

In the matter of:

PUBLIC MEETING

STATUS OF THE ENVIRONMENT AND CIVIL RIGHTS IN  
LOUISIANA

FOLLOW-UP TO THE 1993 LOUISIANA ENVIRONMENTAL  
REPORT

Best Western-Richmond  
Suites Hotel  
2600 Moeling  
Lake Charles, Louisiana

Tuesday,  
September 12, 2000

The meeting convened at 9:00 a.m.

PRESIDING:

Roberta Madden, Chairperson  
Louisiana Advisory Committee

COMMITTEE MEMBERS:

ROBERTA MADDEN, Chairperson, Baton Rouge  
LORNA E. BOURG, New Iberia  
DR. ROBERT L. FORD, Baton Rouge  
SALVADOR G. LONGORIA, New Orleans  
MICHAEL R. MORRIS, Metairie  
GLENDA KELLER PARKS, Baton Rouge  
RUPERT F. RICHARDSON, Baton Rouge  
FARELLA ROBINSON, New Orleans  
STACY E. SEICSHNAYDRE, New Orleans

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P R O C E E D I N G S

1  
2 MS. MADDEN: I need to ask all the members of  
3 our State Advisory Committee to take a seat. I think we  
4 all are here.

5 And Ms. Robinson from the U.S. Civil Rights  
6 Commission is going to sit right here.

7 The meeting of the Louisiana Advisory Committee  
8 to the U.S. Commission on Civil Rights shall come to  
9 order. For the benefit of those in our audience I'm  
10 going to introduce myself and our colleagues. My name is  
11 Roberta Madden. I'm from Baton Rouge, and I'm the  
12 chairperson of this advisory committee.

13 The members of the committee are -- I'd like to  
14 start over on my left -- Dr. Beverly Wright, Glenda Parks,  
15 Bob Ford, Lorna Bourg. This is Fay Robinson, who is on  
16 the staff of the Civil Rights Commission. Rupert  
17 Richardson, Michael Morris, and Stacy Seicshnaydre.

18 Also present with us are Melvin Jenkins,  
19 Director, Fay Robinson, who you've already met, Ascension  
20 Hernandez, Civil Rights Analyst, and Jo Ann Daniels,  
21 administrative assistant to the Central Regional Office  
22 Director of the U.S. Civil Rights Commission.

23 We're here today to conduct a fact-finding  
24 meeting to assess the progress or lack thereof regarding  
25 the status of environmental justice issues and civil

1 rights in Louisiana since our committee's report in 1993,  
2 which was called The Battle for Environmental Justice and  
3 the People. There are copies of that in the back of the  
4 room.

5 The focus of our review are the communities in  
6 Calcasieu Parish. However, environmental concerns in  
7 other parts of the state will also be reviewed. During a  
8 major session of our meeting on Wednesday, the committee  
9 will also take a careful look at where residents can turn  
10 for civil rights assistance related to the environment,  
11 housing, education, health, and legal services at the  
12 federal, state and local level.

13 The jurisdiction of the U.S. Civil Rights  
14 Commission includes discrimination or denial of equal  
15 protection of the laws because of race, color, religion,  
16 sex, age, handicap, national origin, or in the  
17 administration of justice.

18 I'd like to add that the State Advisory  
19 Committee has no enforcement powers, but we try to turn a  
20 searchlight onto these issues related to civil rights.

21 The proceedings of our meeting, which are being  
22 recorded by a public stenographer, Ms. Wall, will be sent  
23 to the U.S. Civil Rights Commission for its advice and  
24 consideration. Information provided may also be used by  
25 our advisory committee to plan our future activities.

1           At the outset, I'd like to remind everyone  
2 present of the ground rules. This is a public meeting  
3 open to the media and the general public. We have a very  
4 full schedule of people who will be making presentations  
5 within the limited time we have available.

6           The time allotted for each presentation must be  
7 strictly adhered to. This will include a presentation by  
8 each participant, followed by questions from our committee  
9 members. To accommodate persons who have not been invited  
10 but wish to make statements, we have scheduled open  
11 periods on our agenda during the evening session tonight  
12 at 8:15 p.m. and tomorrow at eight o'clock.

13           Anyone wishing to make a statement during that  
14 period should contact a staff member for scheduling.  
15 There's also a sign-up sheet on the table outside of this  
16 room, and if you would like to make a statement, please  
17 sign that up and make a notation that you would like to do  
18 so.

19           Written statements may also be submitted to  
20 committee members or staff here today, or you may send  
21 them by mail to the U.S. Civil Rights Commission, Gateway  
22 Tower II, 400 State Avenue, Suite 908, Kansas City,  
23 Kansas, 66101-2406. The record of this meeting will close  
24 on October 13 2000.

25           Though some of the statements made here today

1 may be controversial, we want to make sure that all  
2 invited guests do not defame or degrade any person or  
3 organization. In order to assure that all aspects of the  
4 issues are represented, knowledgeable persons with a wide  
5 variety of experience and viewpoints have been invited to  
6 share information with us.

7 Any person or any organization that feels  
8 defamed or degraded by statements made in these  
9 proceedings should contact the staff during the meeting so  
10 that we can provide a chance for public response.  
11 Alternately, such persons or organizations can file  
12 written statements for inclusion in the proceedings. I  
13 urge all persons making presentation to be judicious in  
14 your statements.

15 The advisory committee appreciates the  
16 willingness of all participants to share their views and  
17 experiences with the committee.

18 I'm going to call on Mr. Melvin Jenkins now who  
19 will share some opening remarks with you.

20 MR. JENKINS: To the members of the Louisiana  
21 Advisory Committee, I'm very happy to be with you this  
22 afternoon and this morning.

23 The topic that you are undertaking is a very  
24 important topic, not only to the citizens of Louisiana but  
25 to the nation as a whole. In 1993, this committee

1 released a report on environmental justice that set the  
2 tone for our national commission to take a look at  
3 environmental justice issues.

4 The particular report has sparked a lot of  
5 conversation and a lot of discussion among our  
6 commissioners. It was recently noted in a meeting last  
7 month that this report on environmental justice has been  
8 at the foremost requested report in the history of the  
9 commission.

10 We have important tasks. You have an important  
11 task, an awesome responsibility as the eyes and ears for  
12 the U.S. Commission on Civil Rights. Not only are we  
13 following up on the 1993 report but one of the important  
14 segments that we will be dealing with for the next couple  
15 of days is: Where do citizens turn for civil rights  
16 enforcement matters?

17 So often in our travels through the United  
18 States that we handle, we encounter a lot of persons not  
19 knowing how and where to file complaints on civil rights  
20 in terms of employment, in terms of fair housing, in terms  
21 of public accommodation, education.

22 As a segment of this particular meeting, we  
23 have invited representatives from federal and state  
24 agencies to provide information to you, the committee  
25 members, and to the general public on where and how to



1 turn for civil rights information.

2 As we go through the deliberation for the next  
3 couple of days, we often ask: Where do we go after we  
4 leave Lake Charles? What happens? The committee has the  
5 responsibility of gathering all the information from these  
6 two days in addition to the thousands of pages of  
7 information that we have collected for the last eight  
8 months.

9 All this information will culminate in a  
10 written report to the U.S. Commission on Civil Rights.  
11 That report will be shared not only with the commissioners  
12 in Washington, both the citizens of the state and with  
13 members of Congress.

14 We have a responsibility that's been charged by  
15 the Federal Advisory Committee Act to have copies of our  
16 report in all regional libraries so our report will be  
17 completely accessible to the general public.

18 As we look at the topic of environmental  
19 justice, we have invited many federal officials, state  
20 officials, community organizations. We've also invited  
21 the Governor of the state, but unfortunately, he or a  
22 representative could not appear today.

23 But as we review the information, let's keep in  
24 mind that you are the eyes and ears for the U.S.  
25 Commission on Civil Rights. You have the responsibility

1 of keeping us apprised as to developments on civil rights  
2 matters. Not only in the field of environmental justice  
3 but any civil rights matter that comes to your attention,  
4 you have that responsibility as the eyes and ears for the  
5 U.S. Commission on Civil Rights.

6 I wish you a very successful meeting. I will  
7 be in and out of the meeting for the next couple of days,  
8 and I'm quite sure, with the able guidance of the staff,  
9 that you will receive the information that's necessary for  
10 us to provide a well-written and well-documented report to  
11 our commissioners in Washington.

12 Thank you.

13 MS. MADDEN: Thank you, Mr. Jenkins.

14 First we're going to hear from the Honorable  
15 Mark McMurray, the parish administrator for the Calcasieu  
16 Parish Police Jury.

17 Welcome, Mr. McMurray. For the record, would  
18 you please state your name and your occupation.

19 MR. McMURRAY: Yes, ma'am. My name is Mark  
20 McMurray. I'm parish administrator for Calcasieu Parish,  
21 under the auspices of the Calcasieu Parish Police Jury.

22 I want to make it clear at the outset, I was  
23 introduced to Mr. Jenkins earlier. As the president of  
24 the police jury, I have never run for political office nor  
25 do I intend to do so. I am an appointed official by the

1 members of the members of the police jury.

2 I want to apologize to you at the outset for my  
3 voice. I'm about five days into a nasty summer cold, and  
4 I'm going to do the best I can. I know it's as grating on  
5 your ears as it is on my throat, so --

6 On behalf of my bosses, the 15 elected members  
7 of the police jury, I am pleased to welcome you and your  
8 staff to Calcasieu Parish. We certainly look forward to  
9 being your hosts over the next couple of days, and hope  
10 that somewhere amid your very busy schedule you will find  
11 a little time to enjoy the beauty and hospitality of  
12 Calcasieu.

13 We also look forward to hearing what the  
14 distinguished presenters and the wide array of interests  
15 they represent have to say about us and our quality of  
16 life here in Calcasieu Parish. My compliments to you and  
17 your staff for putting together such a broad spectrum of  
18 speakers with such varied backgrounds and missions.

19 It appears you've covered the waterfront of  
20 ideas and opinions, and you will no doubt have conflicting  
21 views expressed to you over the next couple of days.

22 While I'm severely underqualified to debate on  
23 the same level the environmental justice concept with many  
24 of those that will speak during your hearings here, I can  
25 say with some degree of confidence, as a person who has

1 spent his entire life in Calcasieu Parish with the  
2 exception of time away for undergraduate and graduate  
3 schools, and who has spent the last 24 years in an  
4 administrative capacity in parish government here, I can  
5 say to you that when it comes to environmental issues in  
6 general, we are perhaps neither as good as we are striving  
7 to be nor as bad as some would have you believe.

8 The parish's role in regulating environmental  
9 matters is limited under Louisiana state statutes, as you  
10 know. However, Calcasieu Parish has exercised over the  
11 years the limited authority available to us under the  
12 statutes in ways that have proven helpful in environmental  
13 issues.

14 A few examples of the policy jury's actions.  
15 One, almost 40 years ago the police jury used their  
16 statutory authority to establish industrial districts,  
17 which created certain tax advantages for industries  
18 developing or expanding within those boundaries. But  
19 which more importantly clearly defined areas within the  
20 parish where industry was to grow -- it was to go and to  
21 grow.

22 These districts have changed very little over  
23 the years and the public has been quite safe, I think, in  
24 relying on these long-ago set boundaries as primary  
25 locations for industrial development.

1           Secondly, the police jury has administered a  
2 comprehensive zoning program since the late 1970s  
3 providing for ample public notice and hearings on any  
4 proposed changes in land use throughout the parish.  
5 Zoning processes weren't perfect, but the advance notice  
6 and the healthy exchange of ideas provide the public and  
7 the decision-makers with opportunities not available in  
8 communities without zoning provisions.

9           Third, the parish most recently took a  
10 leadership role in the establishment of the Calcasieu  
11 Estuary community task force, which I chair. The makeup  
12 of this group is perhaps the best example of a broadbased  
13 community effort that you will find in any community in  
14 this state or nation.

15           It was developed in response to EPA's  
16 announcement that they were going to perform a study of  
17 the Calcasieu Estuary that could possibly result in a  
18 declaration of a Superfund designation or a national  
19 priorities listing.

20           To lose control of our community's destiny in  
21 such an important way, we felt, was unnecessary and  
22 unthinkable. We went to work immediately to assemble this  
23 task force which brings together at one table for the  
24 first time public officials from the local, state and  
25 federal agencies and levels, citizens representing

1 environmental groups within the parish, industry leaders  
2 at the decision-making level, professors from McNeese  
3 State University departments of environmental science and  
4 economics, and resource persons from six federal and state  
5 regulatory agencies.

6 The mission statement of the task force is  
7 succinct and focused. It is to provide community-based  
8 leadership in ensuring that the current condition of the  
9 estuary is accurately determined and that timely, optimum  
10 corrective actions are taken so that designation of the  
11 estuary as a Superfund site will not be necessary.

12 This group is in its infancy, but we are  
13 growing quickly. The dialogue has been informational,  
14 enlightening, and occasionally lively, but we remain  
15 focused on the mission. Members of this task force have  
16 been invited to be featured panelists at the 2001  
17 conference of the Louisiana Environmental Health  
18 Association in New Orleans in January.

19 The toughest part of our job lies ahead, but I  
20 believe we will measure up to the task, and by working  
21 together collaboratively, we will accomplish our mission.  
22 On behalf of the police jury, I submit to you my belief  
23 that our heart's in the right place and that our goal is  
24 to not only -- is not only to do things right but to do  
25 the right things.

1           We welcome your findings, your suggestions, and  
2 your criticisms about how we can do better. We covet your  
3 compliments on things we have done and are doing that are  
4 right and good.

5           Again, welcome to Calcasieu Parish. I  
6 appreciate the opportunity to address you this morning and  
7 hope that your stay here is both productive and enjoyable.  
8 Thank you.

9           MS. MADDEN: Thank you, Mr. McMurray.

10           Are there questions? Yes.

11           If you could stay for a moment on this board?

12           MS. MADDEN: Ms. Borg.

13           MS. BORG: Good morning.

14           MR. McMURRAY: Good morning.

15           MS. BORG: The Estuary task force, Calcasieu  
16 Estuary task force -- when did it start? How old is it?

17           MR. McMURRAY: We got cranked up in the  
18 spring -- or excuse me; in the fall of last year. We had  
19 our first meeting really in January, and we've been  
20 operating through this year. We've had several meetings  
21 this year.

22           MS. BORG: Some of the readings that I've been  
23 doing showed that there were dioxin levels detected in  
24 people as far back as '96. The other thing that you said  
25 was that 40 years ago there were established industrial

1 boundaries. How do those boundaries work with air  
2 emissions?

3 MR. McMURRAY: I am so ill-prepared from a  
4 technical point of view to really discuss some of those.  
5 Those are not things I'm really that aware of in terms  
6 of --

7 MS. BORG: But even if you were to set the  
8 boundaries and there were hearings so that people knew  
9 where the industrial areas were, if in fact there is some  
10 release that is beyond that, then I don't understand how  
11 the 40 years ago notice to the public that these are the  
12 boundaries would work.

13 MR. McMURRAY: Well, I mean, I guess if you --  
14 and this is speaking entirely from a layman's point of  
15 view, because I am not a scientist. I'm a manager, okay.  
16 You know, given a stiff wind, we have problems. What we  
17 have tried to do is put working with the local industries  
18 and what's called the Care Group.

19 We have established sirens in numerous  
20 locations throughout the parish that will notify residents  
21 in areas that are anywhere close to industry that there is  
22 some sort of release. They've been instructed to go in  
23 their homes and turn on a radio or TV to find out what is  
24 where.

25 There've been efforts taken to try to solve



1 that problem. I don't know -- if you look at the  
2 industrial districts within the parish, what I can tell  
3 you, and I don't think this is any great profound notion  
4 here, but the industrial districts pretty well follow the  
5 lines of the Calcasieu River, for obvious reasons. The  
6 deep water channel coming up there serves most of these  
7 industries.

8 That was part of the reason the public voted, I  
9 think, back in the late '20s to dredge the river and have  
10 the channel put in, so the industrial districts really  
11 kind of follow up on the river.

12 MS. BORG: Last question I have, if I may. You  
13 mentioned you're limited in what the parish can do, but  
14 that one of the things the parish does have at its  
15 disposal is tax advantages. How has the police jury used  
16 the tax advantages to perhaps take action where an  
17 industry -- you know, where there's a serious problem  
18 that's been brought to your attention?

19 MR. McMURRAY: Good question. What we have --  
20 one of the -- as you know, the five- and ten-year tax  
21 exemptions that are available to industry are not  
22 decisions for the police jury. The State Commerce and  
23 Industry Board is the agency that divvies up those tax  
24 incentives.

25 But the one area that the policy jury has some

1 control of tax incentives for industry is the enterprise  
2 zone program. And what we have done here that was unique  
3 to this area -- I don't know that any other area in the  
4 state has done this with their enterprise zone program --  
5 is we put some regulations in that require any industry  
6 asking for an enterprise zone designation to stipulate to  
7 any violations, any air quality, water quality, or any  
8 environmental violations that they have against them --  
9 that has to be submitted on their application, and the  
10 police jury has the right, or have given themselves the  
11 right, to consider that as to whether or not to grant an  
12 enterprise zone designation, which of course carries with  
13 it sales tax advantages, corporate franchise tax  
14 advantages in terms of number of employees and that sort  
15 of thing.

16 MS. MADDEN: Okay. Dr. Wright.

17 DR. WRIGHT: Yes. I'm just wondering if you  
18 have demographics for the industrial districts that were  
19 carved out 40 years ago by race and income; people who  
20 live near or around those districts? Is that information  
21 available?

22 MR. McMURRAY: Yes. It's available. I don't  
23 have that, but it is available. It would be a matter --

24 DR. WRIGHT: You could make that --

25 MR. McMURRAY: -- of taking census tracts

1 and -- sure, we could do that without too much trouble.

2 DR. WRIGHT: So you don't have it readily  
3 available. You have to produce it?

4 MR. McMURRAY: Yes.

5 DR. WRIGHT: I'd like to see that.

6 MS. MADDEN: Yes. We would appreciate it if  
7 you could get that for us.

8 MR. McMURRAY: Sure.

9 MS. MADDEN: All right. Dr. Richardson.

10 DR. RICHARDSON: Good morning, sir.

11 MR. McMURRAY: Good morning.

12 DR. RICHARDSON: My voice thing is due to old  
13 age. It takes about a couple of hours for it to clear up,  
14 so I apologize back to you.

15 I was concerned, too, as Lorna was about  
16 statutory limitations. And I'm not sure exactly what  
17 those are. I very much understand the asset of the tax  
18 base. What I was concerned about is whether or not there  
19 are things that the police jury would like to have under  
20 its jurisdiction but for those limitations.

21 I'm a person who kind of hangs around the  
22 Capitol. I'm a glutton for punishment, I guess. And I  
23 would very much be interested in statutory relief that  
24 would help you to make the environment better, and the  
25 commission can consider what or if it wants to do

1 something on that.

2 MR. McMURRAY: Well, on the tax side, which, as  
3 the question prior indicated, the tax side -- the tax  
4 incentives are a great way to perhaps enhance  
5 environmental concerns that local governments would have.  
6 We have passed resolution after resolution asking the  
7 state to allow us to have some play, some authority, in  
8 the giving of the ten-year tax exemption.

9 It's interesting that the State of Louisiana  
10 has a ten-year tax exemption, but they have no ad valorem  
11 tax that's collected for the state, so that in effect, the  
12 state agency that is delving out the tax exemptions for --  
13 ad valorem tax exemptions -- are really messing with our  
14 tax base; not their own.

15 And we felt like that should give -- that  
16 should cause rise for something to be done to allow us to  
17 have some input in that. However, we've been unsuccessful  
18 in those -- in that area.

19 DR. RICHARDSON: Might you be able to submit to  
20 us some ideas that the police jury would like to see that  
21 would --

22 MR. McMURRAY: Sure. Sure.

23 DR. RICHARDSON: -- assist you in doing your  
24 work?

25 MR. McMURRAY: Happy to try to do that. Yes,

1 ma'am.

2 DR. RICHARDSON: Thank you.

3 MS. MADDEN: Any other questions? Ms.  
4 Seicshnaydre.

5 MS. SEICSHNAYDRE: Yes. I just wondered in  
6 order to avoid the Superfund designation, it sounds like  
7 you've developed a task force; the Estuary task force.  
8 Does that task force -- and you may have mentioned this  
9 already -- have specific goals for reducing toxicity  
10 releases, or have you gotten there yet? What are your  
11 specific goals as part of that task force?

12 MR. McMURRAY: The specific goal as stated in  
13 the mission was to identify the current -- whatever  
14 current level of contamination was there and to establish  
15 what available corrective actions were in place and to  
16 try, as a community, to see that those corrective actions  
17 were taking place so as not to cause the EPA, if they were  
18 inclined to do this anyway, to name us as a Superfund site  
19 for the obvious reasons.

20 No area wants to have that kind of a tag  
21 established on it. Now, I can tell you that since the  
22 creation of the task force for that very specific mission,  
23 since the creation of this committee, there have been  
24 several suggestions about how we could expand the  
25 committee's role into a number of other areas.

1           One's been suggested as air quality and some  
2 other areas. The task force has yet to take up any of  
3 those considerations, because it's trying to stay focused  
4 on its original mission. At the conclusion of that, which  
5 should be some time, I'm told, by summer of '01, at that  
6 time I think it would be fair to say, I think the task  
7 force is going to have to address some of these other  
8 requests that have come in for it to deal with.

9           MS. MADDEN: Any other questions down here?

10          All right. Ms. Borg, did you have another one?

11          MS. BORG: Just -- I know that we're going to  
12 have testimony on some other industries today -- PPG and I  
13 think Condea Vista. Do you know if either of those two  
14 industries are in the enterprise zone area that receives  
15 the tax breaks?

16          MR. McMURRAY: Offhand, I would say I don't  
17 think either of those have been granted enterprise zone  
18 designations. I don't know that they've applied. I'm not  
19 sure.

20          MS. MADDEN: Ms. Parks.

21          MS. PARKS: On the Calcasieu Estuary community  
22 task force, what's the makeup and how are they appointed?

23          MR. McMURRAY: The police jury appointed them.  
24 It is a committee made up of a representative of the local  
25 governing body, the mayor of the City of Lake Charles,

1 representative of Congressman Johns' office, Senator  
2 Landrieu's office, the Port of Lake Charles, which is also  
3 a public body.

4 It also includes three citizens representing  
5 environmental committee or environmental interests  
6 locally, local Calcasieu Parish citizens. It has two  
7 members of the faculty of McNeese State University; one in  
8 environmental science, one in economics.

9 It has four representatives of industry broken  
10 down into a refinery that was part of what was called a  
11 Sea-Ag group, and that's kind of a long explanation there,  
12 but that was a group that was put together at one time  
13 that tended to dissolve or drop in numbers.

14 A chemical plant that was part of Sea-Ag, a  
15 continuing member of Sea-Ag that -- one of the few that  
16 was left, and then lastly, an industry that was not  
17 involved in Sea-Ag, and that is a new industry. Was  
18 not -- because the look at this estuary thing was to look  
19 at situations that developed some 30 years ago.

20 So to kind of be fair, wanted to put an  
21 industry on there that was only developed here in recent  
22 times to provide some perspective to that. And then in  
23 conjunction with those people, we have six federal and  
24 state regulatory agencies; one from EPA Superfund, one  
25 from EPA RCRA, the DEQ, the Department of Health and

1 Hospitals, the Federal U.S. Fish and Wildlife Service, and  
2 the NOAA service that works together with the Superfund  
3 people.

4 So it's quite a broad collection of folks; a  
5 lot of varied interests and a, you know, real diverse  
6 background to the committee.

7 MS. PARKS: Do you meet on a regular or what?

8 MR. McMURRAY: We've met so far averaging  
9 probably every couple of months, as what we've tried to do  
10 is track our meetings together with events that are part  
11 of the Superfund study, as information comes available.  
12 As that information flow begins to pick up a little steam,  
13 we will meet more often. We've just tracked our meetings  
14 with information flow.

15 MS. PARKS: Thank you.

16 MS. MADDEN: Dr. Ford.

17 DR. FORD: I just want to pursue a little bit  
18 Ms. Richardson's line of questioning relative to local  
19 authority in environmental matters. As an administrator  
20 for a parish police jury, and if you can speak to some  
21 degree relative to your bosses, is there a notion that  
22 local government should have a more substantial  
23 involvement in enforcement, regulatory issues associated  
24 with environment.

25 And could you go even further to say anything



1 about whether there were discussions at the level of the  
2 Louisiana Police Jury Association in terms of the  
3 devolution from state to local, because our history shows  
4 that enforcement clearly was a federal authority oriented  
5 issue that has now become very much accepted as a state  
6 enforcement mechanism.

7           Should we look forward to and is there any good  
8 reason to think that we should move to the local level in  
9 terms of enforcement?

10           MR. McMURRAY: That's a good question. I'll  
11 just answer it with an opinion is about all I can give  
12 you. Trying to state what the position of the Calcasieu  
13 Parish Police Jury is on almost issue is pretty tough. As  
14 a governing body of 15 members, as you can imagine,  
15 there's widespread opinion and disagreement over almost  
16 any matter that comes. There's very few unanimous  
17 opinions on things, as you can well imagine.

18           I'm sure you run into that with your committee  
19 here. So to speak to what they, as a body, wants to do is  
20 kind of tough. There are some members, I believe, have  
21 expressed in the past that they would like to see more  
22 regulation available to them in environmental matters.

23           There are others that believe that that's just  
24 adding one more layer of government. When you have EPA  
25 and the DEQ already there, that that's putting a very

1 highly technical regulatory situation in the hands of  
2 local elected officials who would have to hire technical  
3 staff that are -- because staffs generally are not  
4 prepared to do that.

5 We have a very highly professional planning  
6 staff, but they are not microbiologists. They are not  
7 trained in environmental science. We would have to beef  
8 up our staff to do that.

9 So I think it's a good news/bad news story.  
10 There is some plus to be able to have additional  
11 regulation to somewhat control your own community's  
12 destiny in some ways. Yet the price tag for that, in both  
13 actual dollars and in adding one more level of bureaucracy  
14 to an already fairly heavy-laden bureaucracy is not viewed  
15 by some as a good positive step.

16 MS. MADDEN: Are there any other questions?

17 All right. I have one. Would you please  
18 identify resources and/or civil rights assistance that are  
19 available in your parish to help citizens who have  
20 concerns about the environment, housing, health,  
21 education, legal, and health services. Where can they go  
22 for help?

23 MR. McMURRAY: I think there'd be several  
24 areas. The public library system in Calcasieu is among  
25 the best systems in the state. They have a wealth of

1 information on all the topics that you just mentioned.

2 In addition to that, the EPA has opened an  
3 outreach office here as part of their Calcasieu Estuary  
4 initiative that has available for citizens online services  
5 and computer services where they can go in and get all the  
6 latest data that is part of the Calcasieu Estuary  
7 initiative.

8 The McNeese State University library, I am  
9 told, has significant resources on a lot of those  
10 environmental -- on data. They are a repository for a lot  
11 of the data that has been collected over the years. We  
12 have numerous environmental committees in the parish that  
13 are made up of citizens who have their own source of  
14 resources that are also available.

15 I don't know that that -- that my statement  
16 there is an all-inclusive list, but that's an attempt to  
17 try to give you an idea of the kind of resources we have.

18 MS. MADDEN: Okay. Thank you. I also  
19 wondered -- are you familiar with environmental concerns  
20 in Mossville and Willow Springs? We've been given some  
21 background about some concerns raised in those areas.

22 MR. McMURRAY: Some. I read the -- in your  
23 1993 report about the Willow Springs issue, and of course  
24 we are somewhat aware of that from discussions that took  
25 place at that time over a period of years.

1 MS. MADDEN: Okay. You haven't taken any  
2 action or been in a position to do that?

3 MR. McMURRAY: No, ma'am.

4 MS. MADDEN: Any other questions?

5 All right. We thank you very much, Mr.  
6 McMurray.

7 MR. McMURRAY: Sure. My pleasure. Thank you.

8 MS. MADDEN: Our next presenter is Jerry  
9 Clifford, the regional administrator of the U.S.  
10 Environmental Protection Agency, Region VI. Is Mr.  
11 Clifford here? Perhaps not.

12 VOICE: Excuse me.

13 MS. MADDEN: Yes, ma'am.

14 VOICE: I'm sorry. Are we supposed to be  
15 hearing this? I'm not hearing a thing, and I've made a  
16 motion that I cannot hear.

17 MS. MADDEN: You can't hear? Oh, I'm sorry.

18 VOICE: And the speaker, Mr. McMurray, I can  
19 barely hear.

20 (Pause.)

21 MS. MADDEN: Well, if Mr. Clifford is not here,  
22 maybe he'll come later.

23 Okay. Yes. If you would, raise your hand if  
24 you can't hear us. That will help us.

25 VOICE: Is Mr. Smith here?

1 MS. MADDEN: Damu Smith.

2 VOICE: We can go to Mr. Mike Tritico from the  
3 Calcasieu League of Environment Action now, because I  
4 don't see Mr. Mouton.

5 MS. MADDEN: What about Monique Harden? No?  
6 Okay. Edgar Mouton. Lois Malvo. Okay. Some of these  
7 people are not scheduled until a little bit later on.

8 VOICE: Here's Mr. Damu Smith.

9 MR. SMITH: I didn't hear you exactly --

10 VOICE: Okay. Mr. Smith is here now. Mr.  
11 Smith is here now.

12 MS. MADDEN: Mr. Smith. Yes. Come right --  
13 come forward. Oh, okay!

14 VOICE: Mr. Smith just walked in.

15 MS. MADDEN: Okay. Damu Smith. Okay. We're  
16 ready for you if you're ready for us. Yes. If you don't  
17 mind coming ahead right now? Are you prepared to do that?

18 MR. SMITH: Okay.

19 MS. MADDEN: Damu Smith is with Greenpeace USA  
20 out of Washington, D.C.

21 Come forward and sit right here if you would  
22 please, Mr. Smith. We're putting you in a little bit  
23 ahead of where you were expecting to be.

24 MR. SMITH: Yes, and I need a -- I was sort of  
25 planning that time.

1 MS. MADDEN: Well, if you would prefer, I think  
2 Mr. Tritico is ready to go ahead. Would you like to do  
3 that?

4 MR. SMITH: Yes, I would -- if I could do that.

5 MS. MADDEN: That's fine. That's fine. We  
6 have to shift our schedule just a little bit. That's  
7 okay. We'll bring you on after Mr. Tritico.

8 Mike Tritico from the --

9 VOICE: He's on his way.

10 MS. MADDEN: Okay. That's fine. Mike Tritico  
11 is with the Calcasieu League of Environmental Action Now,  
12 Incorporated. CLEAN is the acronym -- from Sulphur,  
13 Louisiana.

14 Mr. Tritico, would you give us your name and  
15 occupation to begin with? Okay. And please speak up as  
16 loudly as you can.

17 MR. TRITICO: My name is Michael Tritico, and  
18 I'm a biologist. I had a set of slides, but they -- in  
19 order to do what Ms. Robinson has asked me to do, and  
20 given the time constraints that I see here, I might as  
21 well just leave the slides in the car.

22 I've worked for years with different  
23 neighborhood groups in Louisiana. I met Dr. Ford many  
24 years ago in the Rollins controversy. I've worked with  
25 the people of Willow Springs since -- well, I guess about

1 1976. That's in Calcasieu Parish. I grew up here in  
2 Calcasieu Parish.

3 I've known Mr. McMurray for many years, and two  
4 or things he said I'd like to clarify or give my  
5 perspective. I've worked with Mr. Lanny Roy, who's going  
6 to speak tonight, for maybe 20-something years.  
7 It's been a long hard fight; a real long hard fight, and  
8 we have, in Louisiana, in my opinion, traded the old way  
9 of life for new ways of death. We had a renewable  
10 resource-based economy. We could eat the fish, which we  
11 can no longer do in Calcasieu Parish.

12 We had the trees. The trees are dying. We had  
13 good clean milk from the cows, good gardens, and now all  
14 of that's threatened. In 1997 I organized some blood  
15 tests, and I tested the people of Bayou d'Inde, Mossville,  
16 Hackberry, De Ridder, and we had a hospital sample that  
17 was 100 people blended together. That was our control  
18 sample.

19 We wanted to know how the people in these most  
20 impacted neighborhoods would compare to a background  
21 sample. What was shocking was that the background sample,  
22 100 people blended together, turned out to be five times  
23 the national average for the worse dioxin 2378-TCDD.

24 And then Mossville turned out to be 17 percent  
25 higher than the background sample. That was very, very

1 scary, but then Bayou d'Inde turned out to be 13 percent  
2 higher than Mossville; or 30 percent higher than the  
3 background sample. And that is really scary.

4 Now, Mossville and Bayou d'Inde neighborhoods  
5 are the neighborhoods closest to the fluorinated  
6 hydrocarbon factories. And what this should tell  
7 everybody is we have got a serious health problem here in  
8 Calcasieu Parish. But also it should tell you that what  
9 is happening here is not contained. There's no fence.

10 If you look at what's happening in the estuary,  
11 you know that it's running down through the waters headed  
12 for the Gulf. If you look at what's happening in the air,  
13 you can see acid rain up to the northeast. You can see in  
14 Beauregard Parish, there's a high cancer rate, and they  
15 don't have the chlorinated hydrocarbon industries there.

16 So what's happening here in Calcasieu is a  
17 bellwether that affects the whole planet. We've said that  
18 Calcasieu is the front line in a global war for survival  
19 of the human species, as well as the animals. This is  
20 something that some of us have thought for many, many  
21 years.

22 When we saw what happened in Willow Springs,  
23 well, that was a tragedy. We were complaining, some of  
24 us. They called us environmental wacko's and eco freaks,  
25 and we were saying, The air is terrible around here. The



1 fish are dying.

2 So what they did, they said, Okay. Well, we'll  
3 just stop dumping it in the river as much, and we'll stop  
4 putting it in the air as much. We'll take it to some  
5 hazardous waste sites. So it's partly our fault that they  
6 took it to Willow Springs.

7 They told the people -- people out there said,  
8 What are you digging those big pits? They said, Oh, we're  
9 going to build a resort. We're going to give you all  
10 jobs. Those are swimming pools. Well, that was the first  
11 lie. Into those pits came thousands and thousands of  
12 truckloads of hazardous chemicals.

13 The hazardous waste stream that caused the  
14 Rawlins incinerator upset came from the PPG site here in  
15 Calcasieu Parish. But they were also putting it into the  
16 pits at Willow Springs. The Exxon waste stream that  
17 caused a problem at Grand Bayou came to the Willow  
18 Springs.

19 All of these different classic, famous  
20 hazardous waste streams that have caused problems in other  
21 neighborhoods -- they've all come to Willow Springs and  
22 its open pits and its tombs. And the people of Willow  
23 Springs were dying.

24 In 1968 Mabel Jones, Mabel Rigmaden [phonetic],  
25 said, We can't take this. We're dying. And she passed a

1 petition in 1968, and here we are in the year 2000, and  
2 Mabel's family -- many of them have died. They've had  
3 birth defects; not just Mabel. Just the whole  
4 neighborhood has had a terrible nightmare.

5 So we -- those of us that were environmental  
6 activists were asked, If you really think you got problems  
7 down there in Lake Charles, come to Willow Springs. And I  
8 went, and I said, Well, this is where my grandfather's  
9 swamp is. He had a swamp out there, and I realized, yes,  
10 this is terrible.

11 We couldn't breathe. Our skin felt like they  
12 were putting needles in it. But those people lived there  
13 24 hours a day. That was their life. They had been there  
14 because it was a beautiful pristine place. They could  
15 raise their cows, they could have their pecan trees. They  
16 loved it. And they were away from all the rat race and  
17 politics, and here comes this resort full of hazardous  
18 waste.

19 There were black people, there were white  
20 people, there were rich people, there were poor people.  
21 There were Christians and Jews, Protestants and Catholics,  
22 but everybody was dying, and they knew it. So they all  
23 worked together. That to me is the heroic truth of  
24 Calcasieu Parish was the Willow Springs fight, which still  
25 goes on.

1           Those people, with help from outside as much as  
2 anybody could do, have worked together since 1968 with no  
3 infighting. It's a model of the American way, the way  
4 we're supposed to do things; yet we failed. Now, if you  
5 do it the right way, if you don't go blow up the injection  
6 well, if you don't ambush the convoys with your deer  
7 rifles -- things that were talked about and rejected -- if  
8 we don't do those wrong things, we're supposed to win.  
9 But we lost.

10           A civil suit was filed in 1980. It got to  
11 trial in 1994. Now, that's environmental injustice right  
12 there. Fourteen years before it got to a jury, and what  
13 happened? Who came before the jury? Before the jury came  
14 former state regulators and even one state regulator that  
15 was still on the staff and is still on the staff at DEQ.

16           And the impression they gave the jury was,  
17 These people are their own worst enemy, because they  
18 complained, because they did petitions, because they went  
19 to the DNR, the ECC hearings and all of those things and  
20 raised hell, because of all that uproar, we, the DEQ,  
21 couldn't issue the permits. So the company was  
22 grandfathered in.

23           Therefore, it's the people's own fault that  
24 they suffered. If they'd shut up and if they'd just bowed  
25 down and let us handle it, they wouldn't have had all

1 these problems for so many years. And you know, the jury  
2 bought it.

3 The foreman of the jury was a hazardous waste  
4 tank car regulator. Now, if I'd been a lawyer, I wouldn't  
5 have let him on the jury. I'd have used one of my  
6 preemptive challenges. For some reason, they let him on  
7 the jury, and I think that was a factor.

8 Now, I don't think that was the only factor in  
9 the jury's decision, but the upshot is the civil suit was  
10 lost. The tremendous pressure that the people put on has  
11 had some results, and I think it was through the help of  
12 the Creator more than any bureaucrats or any politicians.

13 I think that the Lord Jesus had mercy, because  
14 he saw these people were dying and suffering and praying.  
15 They never quit praying. We always opened our meetings  
16 with prayers. That's what made the difference as far as I  
17 can see.

18 I don't see any real evidence that any of the  
19 stuff we did with all of the meetings really made much of  
20 a difference. Some science helped. The Creator gives us  
21 knowledge. He gives us the way to look for facts. We  
22 drilled wells. We had -- the former governor, Edwin  
23 Edwards -- which is a sad tale in itself; thank goodness  
24 he's going to jail -- anyway, he would never help us.

25 He had a meeting with us, and we got there

1 finally to the state -- I mean, the governor's mansion.  
2 We sat around in a circle. He kept us waiting an hour and  
3 a half. He came in, and he pitched this ring, this big  
4 jewel-encrusted gold ring, across the room to some guy who  
5 grabbed it, and Edwards said, How much you think that's  
6 worth? And the man said, Well, probably about 15-,  
7 \$20,000.

8 Edwards went over and picked it up and said,  
9 Now that's reality. And he walked out. And that was  
10 reality. That was reality. Then they -- the Democrats  
11 knew that they were -- we getting ready to have an  
12 economic recession, so they let a Republican governor go  
13 in. His name was Treen. They let him go in and take the  
14 fall.

15 But he gave us \$150,000 from his emergency  
16 fund, and we drilled wells. We drilled a well right  
17 outside the Willow Springs fence, because Willow Springs  
18 Company was saying, We got clay underneath all this stuff.  
19 It's not going to get in your drinking water.

20 So we drilled a well on the outside of the  
21 Hurricane fence, and we hit sand. It was the 200-foot  
22 sand of the Chicot Aquifer, came all the way to the top.  
23 And we found chemicals in there. And Mr. Vincent, who was  
24 drinking from his shallow well, his wife had died of  
25 cancer. His next wife had died of cancer.

1           His neighbor across the driveway that was  
2 hooked into that same well died of cancer. Mr. Benois  
3 [phonetic] died of asthma, because he couldn't afford the  
4 inhalers like I had. That cluster of people right there  
5 on the fence line, right there where all that so-called  
6 clay was, they're all dead now. They're all dead. They  
7 were the most exposed, and they're dead.

8           The sheriff's department did go tell Mr.  
9 Vincent, You can't drinking from that well because we  
10 checked it. The sheriff's department -- the crime lab --  
11 I got the crime lab to go do some tests. We couldn't get  
12 real tests. I mean, it's been a nightmare all the way  
13 through.

14           But science every now and then has helped, and  
15 that's where -- that's why I did the blood tests. I knew  
16 that if we could just get some hard data, maybe we'd have  
17 a breakthrough. So it's been a long hard struggle. The  
18 people have done things right.

19           I know I'm probably at my 15 minutes. I could  
20 just go on forever. I would like to say a couple of  
21 things about Mr. McMurray's presentation. He said that  
22 the new estuary task force, which first was named the  
23 Calcasieu River Remedial Action Plan Task Force, CRRAP,  
24 the CRRAP task force, they've renamed it.

25           Well, anyway, he said that was the first time

1 there was ever a body with broad representation of many  
2 different parties. But the truth is there was another  
3 task force -- the Governor's Calcasieu Estuary  
4 Environmental Task Force, and it had almost the same kind  
5 of representation.

6 It went on for about five or six years, and  
7 Representative Dan Flavin of Lake Charles crushed it.  
8 Told the Governor Foster, Don't renew it. About six  
9 months later Superfund -- I mean EPA -- said, Well, no  
10 more task force. What are we going to do? We're going to  
11 have to take over and just declare the place a Superfund  
12 probably and do something, because locally, obviously,  
13 there's too much political resistance.

14 So they -- EPA started talking about Superfund,  
15 and here comes Flavin saying, Wait, wait. We need a task  
16 force. We need to do this locally. So they created the  
17 CRRAP task force, which they then promptly renamed. So  
18 that's one thing that was a little bit -- Mark is -- was  
19 new. He was dragged into this, so he doesn't know a lot  
20 of the history.

21 But another thing he said was that the  
22 enterprise zone is the only involvement that police jury  
23 has in the financial leverage that you were asking about,  
24 and could it not be used to help bring about environmental  
25 justice.

1           There's another thing called Calcasieu  
2 Industrial Development Board, which is a function of  
3 the -- it's a subunit of the police jury. They give low  
4 interest loans. They arrange low interest loans for  
5 companies. And the low interest loans are paid to whoever  
6 lends them who don't have to pay taxes.

7           So it's a double advantage for the financial  
8 community. But who gets these loans? Not the small  
9 business people, but the same giant companies that get the  
10 ten-year exemptions at the state level. And I have gone  
11 to those meetings and said, Wait a minute. You're getting  
12 ready to give a big loan to PPG or somebody to build a  
13 whole new incinerator or something.

14           Now, if somebody I knew wanted to get this much  
15 money at this low interest and have all this time to pay  
16 it back, could you give them the loan? Oh, no, no. We're  
17 trying to enhance economic development. But they call it  
18 pollution enhancement loans, and most of those projects,  
19 or many of those projects that they financed have actually  
20 contributed to the problems.

21           Mark did mention something about 30 years ago  
22 the problem began developing. Here's another place where  
23 government failed. That was one of the things Ms.  
24 Robinson asked me to talk about is examples of how  
25 government failed.           In 1972, soon after EPA was



1 created, it came down, looked at the estuary and said to  
2 PPG, Hey, you're putting some stuff in there that's going  
3 to build up in the seafood. This could be a hazard to the  
4 people who eat the seafood, and it could cost you your  
5 seafood industry. Stop doing that.

6 Well, no response. Three years later in 1975  
7 they did -- the EPA came and did another report and said,  
8 They haven't done anything. They don't intend to do  
9 anything. We think we ought to give them a big fine. So  
10 in 1972 and 1975, EPA knew what was coming. They named  
11 the chemicals. They said what was going to happen.

12 In 1987 we had to have signs put up telling  
13 people, Don't eat the fish. So, I mean, when you know  
14 what something is -- when you know it's a problem and you  
15 still, even though you're EPA, you're a federal agency,  
16 and you can't get it done, there is something wrong. It's  
17 environment injustice.

18 It affects everybody in the parish. It affects  
19 beyond the parish, and it also completely undermines  
20 confidence in America. So I think we have some major  
21 problems here. We're on the front lines. I've done the  
22 best I could in my 15 minutes, but if you got questions,  
23 I'll try to answer them.

24 MS. MADDEN: Thank you, Mr. Tritico.

25 Are there any questions? Yes. Mr. Morris.

1 MR. MORRIS: You said that you had the  
2 sheriff's department do a crime lab report. Do you have a  
3 copy of that report?

4 MS. MADDEN: Could you speak up. We can't hear  
5 on this end.

6 MR. MORRIS: You said that the sheriff's  
7 department did a crime lab report. What did the report  
8 show, and do you have a copy of it, and can we get a copy?

9 MR. TRITICO: I can get you a copy. I don't  
10 have one with me.

11 MR. MORRIS: Well, what did the report.

12 MR. TRITICO: The report -- Deputy Starkovich  
13 took some samples from the pits, and he reported that he  
14 was almost overcome trying to get the samples. And it  
15 showed several carcinogens. I think it was something like  
16 eight to ten priority pollutants he had the capacity to  
17 check for. Things like benzene, toluene, chloroform --  
18 things like that were in the pits and they were vaporizing  
19 out into the neighborhood.

20 That was, I think, about 1976 or -7. That was  
21 our first piece of hard information that it was something  
22 other than just harmless, nonhazardous material.

23 MR. MORRIS: What laboratory did the tests on  
24 that sample?

25 MR. TRITICO: The Calcasieu Parish sheriff's

1 department crime laboratory.

2 MS. MADDEN: Ms. Richardson.

3 MS. RICHARDSON: Yes. Good morning, sir. By  
4 way of commentary and background to the question I'm going  
5 to ask, I first would like to say -- refer to two old  
6 maxims; the first being, Justice delayed is justice  
7 denied. But on a much more positive note, there is a  
8 corollary that says that the wheels of the gods grind  
9 finely -- slowly, but they grind very fine. So let's hope  
10 we are on the fine road to getting some of these things  
11 eradicated.

12 I'm a native of Calcasieu Parish, and it amazed  
13 me that I didn't know half the places you were talking  
14 about. And -- like Willow Springs, Bayou d'Inde, for  
15 purposes of my trying to get a total picture, would you  
16 kind of describe, particularly by racial makeup, the  
17 communities that are most affected as you see them,  
18 because we look at certain protected classes, race being  
19 one.

20 And for God's sake, tell me where these two  
21 places are so I won't be as ignorant when I leave here as  
22 I came.

23 MR. TRITICO: Well, Willow Springs is about --  
24 from here, it's about seven or eight miles to the west  
25 northwest. It's north of Sulphur. If you know where the

1 Sam Houston Jones State Park is --

2 MS. RICHARDSON: Yes, I do.

3 MR. TRITICO: -- it's about a mile upstream  
4 from that on the west of the West Fork River. And the  
5 people who lived nearest the fence line, right up against  
6 the pits -- in fact, there were no fences at first --  
7 those people were black people.

8 But if you get about a quarter of a mile to a  
9 half-mile away, there are white people. The fumes could  
10 be -- I smelled the fumes seven and a half miles away down  
11 where I used to live in Ryan Street. The fumes were  
12 horrendous, so it affected everybody in the parish.

13 Now, Mossville, which is heavily impacted, is  
14 about halfway between here and Willow Springs. I'd say  
15 it's about four miles or five miles to the west of here.  
16 It's just west of West Lake.

17 Bayou d'Inde community is just south of that by  
18 about a mile and a half or two miles. Bayou d'Inde  
19 community -- Mossville is mostly black, and Bayou d'Inde  
20 is all white. The Bayou d'Inde community is surrounded on  
21 about -- well, I'd say half the compass by industries, and  
22 it's right in, next to the -- Mossville is about a third  
23 of the compass, and it's right next to some of the plants.

24 So Bayou d'Inde and Mossville are the two  
25 communities most surrounded by the big factories. There

1 are other communities that are close, like, for instance,  
2 the Vincent settlement in West -- the community is by the  
3 new West Lake plants -- not West Lake, the town, but West  
4 Lake, the company. Those are adjacent to some of the  
5 plants.

6 But the most surrounded are the Bayou d'Inde  
7 and Mossville communities. Now, there's another giant  
8 hazardous waste site down at Carliss [phonetic]. That  
9 one's at five feet above sea level. Nothing between it  
10 and the Gulf except marsh. The hurricane slosh model, if  
11 that -- if a storm comes in, supposed to be 27 feet of  
12 seawater all the way to I-10. It will roll right across  
13 those hazardous waste and contaminate the whole west side  
14 of the parish.

15 I mean, there's so many things in this parish  
16 that are just models of what is wrong; that the only thing  
17 that's kept me and a lot of other people going is the  
18 model of what is right, and that is the way that the  
19 people of Willow Springs all work together and always have  
20 and always will.

21 MS. RICHARDSON: Thank you.

22 MS. MADDEN: Thank you. Are there other  
23 questions? Ms. Borg.

24 MS. BORG: Mr. Tritico, you spoke rather  
25 eloquently about the American way and how you did

1 everything right within the law. And you basically said  
2 that, But government failed us. Why do you think  
3 government failed you; specifically, the EPA? And then  
4 when you finish that, specifically, the DEQ -- the two  
5 arms of government that are in fact supposed to hear the  
6 citizens when they bring concerns of the nature that  
7 you've spoken to today.

8 MR. TRITICO: Well, the main proof that they  
9 failed us the blood data. We wouldn't be contaminated if  
10 they --

11 MS. BORG: But my question is why?

12 MR. TRITICO: Why did they fail us?

13 MS. BORG: I heard you speak eloquently that  
14 they did. But my question in both instances for EPA, DEQ  
15 is why do you think they didn't work for you?

16 MR. TRITICO: I think they didn't work because  
17 the forces of evil, the people that are putting these  
18 molecules out without regard for the consequences, have  
19 far more political influence than do average citizens.  
20 There's no way that the people of Willow Springs or the  
21 people of Calcasieu Parish, even if everybody in the  
22 parish joined together and said, We've had enough. It's  
23 going to stop now. There's no way it would stop now,  
24 because the system has been constructed to give all sorts  
25 of buffers, all sorts of protections, to the ones who are

1 doing wrong.

2 Now, if -- even if the police jury voted  
3 unanimously, even if the governor said, This is going to  
4 change within 24 hours, the companies would get their  
5 lawyers and their lobbyists, and they would go to  
6 Congress; or they would go to the President. They would  
7 get some kind of executive stay.

8 There -- I have no confidence that we have  
9 power the way the people are supposed to have power. The  
10 ones who have power are the ones with the money, the ones  
11 who have the capacity to blackmail key congressmen. They  
12 have all sorts of power that we don't have, and they use  
13 it.

14 And even if we were to be just like Willow  
15 Springs, everybody working together and united, even if  
16 that were to go parishwide, we would probably not be able  
17 to prevail in time to save ourselves. What we think is  
18 going to happen is that y'all are all going to see us.  
19 You're going to see what happens here, and eventually,  
20 with a national uproar about, We don't want that to happen  
21 to us. It happened to them. Too bad, but don't let it  
22 happen to us. Then you're going to be able to override  
23 some of that corporate, carpetbagging power.

24 But I don't think that there's anything we can  
25 really hope for in the way of saving those of us that are

1 already contaminated. The levels in our bodies are too  
2 high. You're just going to have to use as an example.

3 MS. MADDEN: Mr. Tritico, if I may say so, let  
4 me caution you about using extreme language. We do have a  
5 rule about not using defamatory statements, and when you  
6 say forces of evil and blackmail, some folks might  
7 interpret that as a slur. So let me just caution you to  
8 be a little judicious in your language.

9 Are there any other questions?

10 MS. BORG: Well, to follow up --

11 MS. MADDEN: Did you have a followup?

12 MS. BORG: Yes.

13 MS. MADDEN: Okay.

14 MS. BORG: If you believe that those arms of  
15 the government that are to protect you -- EPA and DEQ --  
16 have failed and/or not giving as much weight to citizens  
17 as they are to others because the system is set to give  
18 such a buffer and advantage to the persons that you say  
19 are causing the problem, then what is left to you?

20 MR. TRITICO: Prayer. Really, that's the only  
21 thing we have left is that the Creator will somehow  
22 intervene. And I think He does from time to time. We  
23 have to tell our good loved ones goodbye. We just have to  
24 hope we'll see them again.

25 But every now and then, He will help us when



1 it's something really critical. A couple of the members  
2 of our little environmental group were run over by  
3 hazardous waste trucks. No witnesses. Now, one who was a  
4 little more radical than me died. One who is an angel has  
5 been given back to us. That is, to me, what the Creator  
6 does.

7 When He sees a righteous person, He looks at  
8 them as an individual and He helps them. I don't think He  
9 says as righteous this system that we are in, and I don't  
10 think He's going to help the system. He's going to help  
11 individuals. To me, that's all we have left here.

12 MS. MADDEN: Thank you. Are there other  
13 questions?

14 Ms. Parks.

15 MS. PARKS: Just a quick question about the  
16 other governor's task force you mentioned. When was it  
17 formed, when was it dissolved, what was its mission?

18 MR. TRITICO: Well, it was formed after the  
19 1987 fishing advisories went up, which were done very  
20 reluctantly by the state, thanks mainly to the heroic  
21 efforts of a lady named Dr. Joyce Mathison. And Martha  
22 Madden -- I don't know if you're kin --

23 MS. MADDEN: No relation.

24 MR. TRITICO: -- she was the secretary of DEQ  
25 and she had the guts to say, Yes. The scientist, Dr.

1 Mathison, has convinced me that we need to put up some  
2 signs. Those two ladies managed to get some signs put up.

3 Well, then some more uproar started about, This  
4 is bad for tourism. This is bad for economic development.  
5 So eventually, a task force was formed probably, I'd say  
6 around maybe 1990. I'm not sure of the date, and it went  
7 on for about seven or eight years.

8 And during that time, things happened, like we  
9 would get to go to the task force, and at the end of the  
10 meeting we would get to ask questions. And the task force  
11 members would say, Okay, well, we don't know the answers  
12 to that. We'll call in somebody.

13 So NOAA, National Oceanic and Atmospheric  
14 Administration, was called in, and they and the U.S.  
15 Geological Survey and U.S. Fish and Wildlife Service --  
16 those three agencies have done as well as they could under  
17 the restrictions that they have on them. But they  
18 gathered information.

19 They didn't do a whole lot of interpretation.  
20 They just said, We went out and we measured this. Here's  
21 what we see. And then some of us out here in the  
22 citizenry said, Well, wait a minute. If you found this,  
23 the literature says that about this. Doesn't that mean we  
24 have this problem?

25 And then the task force would talk about it,

1 and it went on I guess for about seven or eight years, and  
2 it was making some progress. Things were happening. The  
3 industries were having to sit down and negotiate with  
4 NOAA, U.S. Fish and Wildlife Service, the Natural Resource  
5 Trustees -- they were having to negotiate.

6 But when they broke off the negotiations and  
7 the task force was cancelled, that's when EPA, NOAA, and  
8 U.S. Fish and Wildlife Service said, Well, we're just  
9 going to have to, you know, go in and use Superfund money  
10 to finish the investigation. We may have to declare it a  
11 Superfund site. Then here comes this new task force.

12 MS. BORG: Do you feel there was a pretty good  
13 dialogue though between the community and the industries  
14 and --

15 MR. TRITICO: No. I think there was not.  
16 Every time we tried to bring up in the old task force  
17 things like a policy of prudence, they would laugh, and  
18 their people on the task force would keep it from even  
19 coming to a vote. We were asking that the old task force  
20 would adopt the concept and encourage, through  
21 resolutions, that DEQ and EPA and everybody else would  
22 have a policy of prudence so that if there were data gaps  
23 or if there was a dispute among experts about what was the  
24 meaning of a certain piece of information, and a decision  
25 had to be made, that the decision-maker would always make

1 the decision in the direction that most protected the  
2 public or the ecosystem.

3 Well, they wouldn't -- they couldn't -- they  
4 never would vote on adopting the concept of a policy of  
5 prudence. The thought that caution must not be  
6 compromised -- nobody would touch that. So eventually,  
7 the task force -- that task force was cancelled, I think  
8 partly because we were trying to at least get them to talk  
9 about why will you not adopt a policy of prudence.

10 There was an attempt at dialogue. We were not  
11 the ones who failed to communicate. We tried, and we were  
12 considered, I guess, non-judicious at times. We got  
13 frustrated.

14 MS. BORG: Were there ever any attempts to sit  
15 across the table; I mean, be it the task force or any  
16 other body -- the mayor's office or -- I mean, you know,  
17 police jury or --

18 MR. TRITICO: We made many, many police jury  
19 meetings. We made many different trips to Baton Rouge.  
20 Now, one thing we did sit across the table, Mr. McMurray  
21 assisted in that. We asked that the U.S. Geological  
22 Survey do some tests to determine whether or not many of  
23 the pits that are alongside the river were tidally  
24 interconnected to the river, which we had seen at Willow  
25 Springs, that the pits are interconnected with the

1        aquifers and surface waters, and when the waters go up and  
2        down it's a pump, so the stuff gets dragged out into  
3        the -- so we wanted the USGS to do a project like that.

4                    Industry jumped in and said, Wait a minute,  
5        wait a minute. We have to have some control here. We  
6        will put up some of the money to save the taxpayers some  
7        money, but we also are going to have some control here.  
8        But Mr. McMurray facilitated that, and there was some  
9        research done.

10                   It never got to the phase where they were going  
11        to check on the tidal interconnections. But that's the  
12        kind of thing that happens. When we do attempt to work  
13        with the industries, things go wrong. Another good  
14        example of what happened on a dialogue there -- it was an  
15        Earth Day thing.

16                   Paul Ringo, who's now the head of LEAN, was  
17        head of CLEAN. And he had an idea of challenging the  
18        industries to just get them to talk. And Olin accepted  
19        the challenge and we did -- we had a meeting with them.

20                   And we said, There's a rookery of roseate  
21        spoonbill birds. They migrate all the way from the  
22        southern hemisphere and they land in your hazardous  
23        wastepond, which used to be a beautiful swamp. They're  
24        dying and so is their habitat, and they won't move across  
25        the river. Can you please restore that rookery?

1           And Olin said, Yes. Yes, we will. And we were  
2 really happy. However, a state agent for DEQ said, No,  
3 Olin, you're going to have to start your whole hazardous  
4 waste permit application for that pond all over again,  
5 which is going to cost you about six years. You sure you  
6 want to restore that rookery?

7           And so, of course, the company couldn't -- I  
8 mean, it didn't make good sense for them to start all over  
9 and do six years and not get their permit, and we  
10 understood that. And we tried to figure out, Now, why did  
11 that guy squelch a bird restoration project? And then we  
12 remembered somebody had gone in his office and saw a thing  
13 where CLEAN had given him a Dirty Pelican award -- this  
14 bureaucrat -- because of something he had done or said in  
15 a meeting here in Lake Charles.

16           And he had this thing up on the wall and said,  
17 Here's what happens when you try to help the citizens.  
18 And then when he got a chance, he shot down the bird  
19 restoration project. So that's the kind of thing where  
20 you have to -- I mean, when you do try everything and some  
21 of them backfire like that, then you're -- many people  
22 just drop out. They say, Well, it's a hopeless cause.

23           But yes, we have tried to talk to them. As  
24 individuals, I'm able to communicate with some of the  
25 technical people. They know a lot of things, and some of

1       them are really almost heartbroken that they don't have  
2       within their company the final say-so.

3               I have seen company people pleading that their  
4       name, because it appears on a piece of paper, that we do  
5       not condemn them, because it's their job and they have to  
6       do what they are told to do. They're under intense  
7       pressure.

8               MS. MADDEN: Thank you. We'll have time for  
9       about one more question, and then we're going to take a  
10       little break and set up some microphones that we can hear  
11       better. I know you'll appreciate that.

12              Ms. Seicshnaydre.

13              MS. SEICSHNAYDRE: Yes. I just wanted to ask.  
14       You said that at some point, science intervenes and  
15       assists you. Are there additional data gathering or other  
16       sorts of sampling that you -- your group has identified  
17       that you would like to do or you think would be  
18       informative or helpful in any way that you have not done  
19       or that you perhaps don't have resources to do?

20              MR. TRITICO: Well, I would like to see the  
21       blood testing extended. ATSDR came in to Mossville and  
22       checked people in Mossville and said, Yes, they are  
23       contaminated. They have not yet got to Bayou d'Inde or  
24       Willow Springs or the rest of the parish.

25              EPA has indicated that it is going to help the

1 group CLEAN do some air sampling. That's a positive sign.  
2 We would like to have more air sampling. I saw on the  
3 news something about industry is going to pay for it.  
4 When industry pays for it, they control it.

5 So I didn't celebrate last night when I saw  
6 that news story. But I would like to see more real fact-  
7 gathering and less political rhetoric, because we can go  
8 through this every -- one time I said something. A guy  
9 running a hearing, a DEQ hearing, said, It's a new  
10 ballgame, Mike. Give us a break, you know. Why don't you  
11 just let us do our thing? Two or three years from now  
12 things are going to be a lot better.

13 I said, Yes, I hear this. It's a new ballgame.  
14 Every two or three years you've got a new agency or a new  
15 name, but it's the same shortstop. It's the same third  
16 baseman. It's the same people, and it's going to be the  
17 same ballgame.

18 So that's why I think that the gathering of  
19 facts is critical. It does help.

20 MS. MADDEN: Thank you very much, Mr. Tritico.  
21 That was very informative.

22 We are going to take I guess about a ten-minute  
23 break and set up microphones so that everyone can hear a  
24 little bit better. Please don't go away.

25 MR. TRITICO: Okay. I did want to mention that



1 we have turned in a report. Herbert Rigmaden of Willow  
2 Springs and Mabel -- I mean, Pam Tines -- we've turned in  
3 a report that is Willow Springs' specific, and Ms. Robinson  
4 has it. Okay.

5 MS. MADDEN: Good. Thank you so much.

6 MR. TRITICO: Thank you.

7 (Whereupon, a short recess was taken.)

8 MS. MADDEN: We're going to go ahead and get  
9 started again. We appreciate your patience while we got  
10 the microphones set up so that everybody can hear. Can  
11 you hear me? Hello?

12 VOICE: Yes.

13 MS. MADDEN: Okay. We appreciate your patience  
14 in letting us set up the room a little bit more  
15 conveniently for everyone, and we're also working on the  
16 temperature and I think it's beginning to get better in  
17 here. It's a little bit cooler than it was. All right.

18 Our next speaker is Mr. Damu Smith from  
19 Greenpeace USA.

20 Mr. Smith, would you please give us your  
21 occupation.

22 MR. SMITH: My name is Damu Smith, and I work  
23 on the staff of the Greenpeace USA toxins campaign.

24 I first of all want to thank the members of the  
25 Louisiana Advisory Committee to the U.S. Commission on

1 Civil Rights for convening these hearings this morning,  
2 and particularly for convening these hearings here in the  
3 Lake Charles metropolitan area; an area saturated with  
4 polluting facilities of all kinds.

5 In the past I have also worked in Louisiana on  
6 behalf of the Southern Organizing Committee for Economic  
7 and Social Justice. Since 1991, I have worked extensively  
8 with communities throughout the state of Louisiana,  
9 providing various forms of assistance to help communities  
10 organize to rid their neighborhoods of toxic and  
11 radioactive hazards or threats.

12 My organization is usually invited by groups to  
13 come and assist them after they conclude that government  
14 agencies and industry will not, which, unfortunately, is  
15 most often the case in this state. Most of the  
16 communities we work with are populated by black people and  
17 poor working class whites.

18 The majority population of nearly all the  
19 communities I have worked with are African-American. This  
20 fact is not a matter of choice. It is merely a reflection  
21 of the circumstances which exist in this state. It  
22 remains a fact that black people in Louisiana live in the  
23 principal host communities for polluting facilities of all  
24 kinds throughout this state.

25 Our experience in Louisiana has often placed us

1 in the epicenter of some of the nation's and this state's  
2 most hotly contested, well-publicized and controversial  
3 environmental justice battles. The fight over  
4 agricultural street landfill in New Orleans. NARCO  
5 Louisiana and the battle with Shell and Motiva. Convent  
6 and the effort to keep SHINTECH out of that community.

7 Forest Grove and Center Springs and our  
8 successful struggle with the community there to stop the  
9 LAS uranium enrichment plant. And now here in Mossville,  
10 a community surrounded by Condea Vista, Conoco, PPG, and  
11 other facilities.

12 I mentioned this, Madame Chairwoman, because I  
13 want to make the point that I have first-hand knowledge of  
14 the kinds of experiences black and poor people have in  
15 Louisiana in their interaction with state and federal  
16 agencies and industries. So I'm speaking today out of  
17 experience.

18 Louisiana is a place where people of all races,  
19 of all races, suffer from economic and environmental  
20 policies that have ruined the state's economy, severely  
21 damaged the environment, and fundamentally undermined the  
22 health, safety, and quality of life of residents here.

23 Louisiana is so bad off that several national  
24 media outlets and newspapers have done stories or are  
25 working on stories about what goes on here. Louisiana

1 indeed is a national disgrace. Most of Louisiana's  
2 waterways are polluted and require advisories to people to  
3 not use them or if they fish in them.

4 The state ranks number one in per capita toxic  
5 releases to air, water and land. Louisiana is among the  
6 top five most impoverished states in the nation. The  
7 income gap between black and white in Louisiana is one of  
8 the widest in the nation. Louisiana also has one of the  
9 worst public school systems. In short, Louisiana is in  
10 bad shape.

11 As you know, the fundamental issues involved in  
12 civil rights law and enforcement are equal protection,  
13 equal justice under the law, fair and equitable treatment,  
14 and equal access and opportunity for all citizens. In the  
15 area of environmental protection, relevant civil rights  
16 laws such as Title VI of the Civil Rights Act of 1964,  
17 existing environmental laws, statutes and regulations, and  
18 fundamental constitutional precepts should be applied by  
19 government agencies to ensure equal environmental  
20 protection for all.

21 Our Constitution is very clear. No state shall  
22 deny to any person within its jurisdiction the equal  
23 protection of the laws. In Louisiana, this is simply not  
24 the case. In community after community, we see how  
25 permitting decisions by the Louisiana Department of

1 Environmental Quality, with the acquiescence of EPA Region  
2 VI over the years, that part of the EPA responsible for  
3 watchdogging the environmental policies of the state, have  
4 led to black communities and poor communities being  
5 disproportionately overburdened by life-threatening  
6 noxious facilities, often located only a few yards or feet  
7 from homes or residential areas.

8 While the government agencies today and  
9 tomorrow will chronicle their record of reducing  
10 emissions, they cannot claim that the racially  
11 discriminatory siting policies in the state have  
12 fundamentally been altered. Beyond new testing  
13 initiatives, we have seen a continuation of the same old  
14 policies which have caused the problem, which you  
15 documented in 1993 to continue.

16 In Louisiana, therefore, equal protection for  
17 black and other communities of color simply does not  
18 exist. Unequal protection, in fact, is the norm and not  
19 the exception in this state. Even when environmental  
20 statutes are complied with, siting decisions which leave  
21 black communities saddled with more polluting facilities  
22 than white communities, which means that pollution is  
23 increased in communities of color, is a violation of the  
24 equal protection clause and relevant civil rights law.

25 If Title VI was enforced in accordance with

1 traditional civil rights jurisprudence, we could perhaps  
2 provide some measure of relief to black and poor  
3 communities in Louisiana. And I just want to say to  
4 members of this committee, speaking out of the experience  
5 that I've talked about, what does unequal protection in  
6 the state of Louisiana mean?

7 It means that black communities living next to  
8 these facilities are having to deal with more of the  
9 explosions from nearby facilities, more of the accidental  
10 releases, more of the transportation accidents. Trucks  
11 are falling over, rail lines accidents and emissions from  
12 chemicals that they carry.

13 Barge explosions along the Mississippi River,  
14 sometimes when people are worshipping in their churches on  
15 Sunday afternoon. People can no longer fish in the rivers  
16 and streams. People can no longer baptize in the  
17 Mississippi River and other places where they use to  
18 baptize.

19 People can no longer grow food in their gardens  
20 or pick figs from fig trees because of the contamination.  
21 People cannot sit out on their porches for long periods of  
22 time. Our children with asthma and other respiratory  
23 problems cannot -- or miss many days from school and  
24 experience frequent visits to the hospitals because of all  
25 of the pollution coming out of these facilities.

1           Therefore, not only do the state and federal  
2 environmental regulatory agencies have an obligation to  
3 enforce environmental protection laws, they must also  
4 ensure that under our relevant civil rights law that  
5 environmental protection is meted out equally.

6           And as I mentioned through these examples, when  
7 black and poor communities in Louisiana and elsewhere are  
8 exposed to more life-threatening pollution than other  
9 segments of the population, this means that black people  
10 are at more risk for serious illnesses, shorter lifespans,  
11 higher death rates, frequent hospital visits, more rates  
12 of cancer, and at greater risk to injury from industrial  
13 accidents near their homes and schools from nearby  
14 facilities.

15           The point I am trying to make to all of you  
16 today is that we have a very serious problem in this state  
17 in terms of equal protection being enforced here. I just  
18 want to mention very quickly some specific examples of  
19 how, as you mentioned, Ms. Richardson, justice delayed is  
20 justice denied.

21           And I want to talk just a little bit about what  
22 has happened here in Mossville, Louisiana, over the past  
23 few months. And I first want to introduce my remarks on  
24 Mossville by saying I want to acknowledge and affirm that  
25 as a direct result of the wonderful work that people in

1 the Lake Charles area have been doing on behalf of their  
2 communities, with support from groups like Greenpeace and  
3 Earthjustice and Deep South Center and others, there have  
4 been some significant positive things that have occurred,  
5 and I acknowledge those things.

6 But those positive things have been undermined  
7 by the politics that have often surrounded the decision-  
8 makers -- decision-making processes in this situation.  
9 Last year when it was announced by the Agency for Toxic  
10 Substances and Disease Registry that their test results  
11 showed that dioxin was three times the national average in  
12 the blood of Mossville residents, the governor announced  
13 with great fanfare that a task force would be convened to  
14 come up with solutions to the problem.

15 And shortly thereafter, the Louisiana  
16 Department of Environmental Quality, the Louisiana  
17 Department of Health and Hospitals, EPA Region VI, and  
18 ATSDR announced a formation of the Mossville Public Health  
19 Response Work Group. Now, that work group was announced  
20 and begun with implementation, in our view, without  
21 adequate community involvement in the planning.

22 The subgroups of this work group had already  
23 been proposed by ATSDR. Those work groups that were  
24 proposed focused on health services for residents,  
25 pollution reduction -- I'm sorry. The agencies introduced



1 their work groups which had a number of subgroups. Since  
2 then the agencies have unofficially abandoned the work  
3 group process, after understandings and agreements were  
4 reached in November 1999 between the government agencies  
5 and residents of the Mossville community to add work  
6 groups recommended by the group Mossville Environmental  
7 Action Now.

8 Those work groups focus on health services for  
9 residents, pollution reduction and permitting issues,  
10 reduction of industrial accidents, and environmental  
11 justice. After promises and agreements to reestablish  
12 these work groups by ATSDR officials, these work groups  
13 have failed to materialize.

14 One of the things that has occurred is that the  
15 message has been put out that Mossville Environmental  
16 Action Now asked ATSDR and the federal agencies to cancel  
17 the work groups. That is not true. And I want to submit  
18 for the record this morning, Ms. Madden, this document  
19 which presents a chronology with documentation of the  
20 chronology of the events that have occurred here in  
21 Mossville with letters, memos, e-mails and correspondence.

22 What is not included in that is this memorandum  
23 from Dr. Tommy Torres from the Agency for Toxic Substances  
24 and Disease Registry dated January 19, 2000, in which he  
25 records the minutes of discussions that have taken place

1 between state and federal agencies and the community.

2 And in this document it documents the  
3 understandings that have been reached about the formation  
4 of the work groups. I then have another document dated  
5 18th of February, 2000, which is an e-mail from Dr. Reuben  
6 Warren in the Office of Urban Affairs, and I just want to  
7 read you a part of that e-mail to make the point that I'm  
8 about to make.

9 This e-mail is to confirm the Mossville  
10 Environmental Justice Working Group meeting on Saturday  
11 from 1:00 to 4:00 p.m. February 26, 2000, in Mossville,  
12 Louisiana. The scheduled meeting for Friday evening,  
13 February 25, will not occur. Drs. Crawford, Tommy Torres  
14 and I will represent the Agency for Toxic Substances and  
15 Disease Registry and we will discuss the environmental  
16 justice issues associated with ATSDR activities and other  
17 matters that may facilitate health improvements possibly  
18 associated with the environment.

19 And what I want to inform this committee of is  
20 that shortly after this memo was sent, the persons  
21 mentioned in this memo who were scheduled to appear in the  
22 Mossville community did not come, because they were  
23 ordered not to come from people high up in ATSDR.

24 So when we talk about how the communities are  
25 being treated in Louisiana, this represents one example of

1       how the agencies, because of politics, refuse to deal with  
2       the community often with respect.

3               And so the final thing that I want to mention  
4       about this is that we go on to chronicle in an eight-page  
5       letter, which I am also submitting to you today for the  
6       record, because there's no time to read it, in which we  
7       document point by point the systematic way in which the  
8       agencies, through their actions or inaction, have not  
9       gotten the work group process that was announced and  
10      promised to move forward.

11              And we have concluded that the reason why this  
12      occur is because of something -- we're speculating now --  
13      but we receive from an anonymous person an envelope  
14      stamped Baton Rouge on it through the postal system a  
15      document from one of the meetings that the agencies had in  
16      Baton Rouge in which this document, if it is an authentic  
17      document, said that the Louisiana agencies did not like  
18      the environmental justice label.

19              Madame Chairwoman, environmental justice is now  
20      a recognized concept in America. And when we have our  
21      Louisiana agencies, if this document is true, speaking in  
22      that fashion, it points to the mindset that is already in  
23      this state, and it points to the fact that the Louisiana  
24      agencies perhaps are having too much influence over our  
25      federal agencies who we believe want to try to do the

1 right thing in this community but somehow are being  
2 stymied by the attitude and the behavior of the Louisiana  
3 agencies.

4 Thank you very much, and I thank you for this  
5 opportunity.

6 MS. MADDEN: Thank you, Mr. Smith.

7 We have time for just two or three questions.  
8 We have time for just two or three questions.

9 Oh, and I'd like to note that William Quigley  
10 has joined us from New Orleans. Glad to have you.

11 Any questions?

12 DR. FORD: Yes.

13 MS. MADDEN: Okay. Dr. Ford.

14 DR. FORD: Mr. Smith, though you pointed out  
15 many instances of failure on the part of agencies to bring  
16 remedies to the problems in this area, you did indicate  
17 that there have been successes. Would you care to share  
18 some of those with us? And in the same vein, if you  
19 could, speak to any additional strategies that you think  
20 are important, including this work group approach that has  
21 seemingly failed so far.

22 MR. SMITH: Well, the agencies are doing  
23 something which I think is quite unprecedented. They are  
24 conducting testing in the area to document the dioxin  
25 problem and sources of other contamination. They have

1 announced a program -- it's in the papers this morning --  
2 working with DEQ to do a program of testing on dioxin over  
3 the next year and other testing over the next three years.

4 They have been convening the Calcasieu Parish  
5 initiative meetings on a quarterly basis. That's a good  
6 thing. They are paying a lot of attention to Calcasieu  
7 Parish. And so we -- what's good is good. You  
8 acknowledge that.

9 But here's the problem. Those good things  
10 continue to be undermined and delayed and shortcircuited  
11 because of the politics that has been injected into the  
12 situation. So, for example, it was a good thing that the  
13 agencies announced a formation of the work groups. It is  
14 a good thing to have work groups; one of the best things  
15 that could have ever happened.

16 But guess what. The work groups have not been  
17 implemented, all because an organization in the community  
18 that has been helping to lead the struggle there said, We  
19 want to amend those work groups. We have other ideas.

20 And then the agencies took three -- almost  
21 three months after Mossville Environmental Action Now sent  
22 their letter of July 6 criticizing the work group process  
23 and offering other recommendations, the agencies took  
24 until September 10 to respond to their letter. So again,  
25 justice delayed, justice denied.

1                   And your other question?

2                   DR. FORD: Well, the other part of my question  
3 was: Are there some additional strategies you would  
4 suggest --

5                   MR. SMITH: Yes.

6                   DR. FORD: -- that would move us in the right  
7 direction?

8                   MR. SMITH: Yes. We have to keep in mind that  
9 places like Lake Charles, Louisiana, and the industrial  
10 corridor between Baton Rouge and New Orleans represent  
11 what we call extraordinary polluting regions. I mean,  
12 there's pollution in many areas of the United States, but  
13 we have a concentration of industries like you have here  
14 in Lake Charles and other parts of Louisiana -- these  
15 present special problems.

16                   What we need are special initiatives that go  
17 beyond just testing. That -- it's mentioned in the paper  
18 of last night that the Louisiana industries are going to  
19 be contributing, I think, \$1.5 million to assist with the  
20 testing.

21                   Okay. That testing is fine. But what we need  
22 is a substantial reduction of the emissions in this area  
23 beyond any reductions that have already incurred. We are  
24 happy that EPA Region VI, for example, has begun to do  
25 some important work in the area of enforcement. Good

1 things.

2 We want that to continue. We will continue to  
3 press them to continue that in that area. So stepped-up  
4 enforcement measures and creative innovative efforts by  
5 industry that don't require a government mandate to  
6 substantially reduce emissions in the area will go a long  
7 way.

8 But the ultimate solution to this problem here  
9 is not a reduction of emissions. We need a phase-out of  
10 the kind of industrial processes that are present in this  
11 area. As long as we have industries polluting the kind  
12 of -- producing the kind of hazardous emissions that we  
13 have here, we're going to have this problem.

14 We need a just transition to clean production,  
15 clean technologies. One of the things that Greenpeace is  
16 recommending specifically is that the state or the  
17 governor, working with other stakeholders here in the  
18 state, ought to convene what we would call a statewide  
19 commission on a just transition, a clean production, and  
20 the precautionary principle.

21 And we add the precautionary principle in there  
22 because when you have a situation like what we have here  
23 in this state, and particularly in this community, where  
24 we know that there are high levels of dioxin in people's  
25 blood, where ethylene dichloride contamination has been

1 detected in significantly high levels in the air, you must  
2 take precautionary measures to protect the health,  
3 welfare, and safety of the residents and the communities  
4 in which they reside.

5 You don't wait to have final scientific proof  
6 that Chemical X is causing disease. Why? You know that  
7 what is coming out is possibly or probably causing a  
8 problem. You therefore take action to prevent the problem  
9 and to minimize the risk to the people concerned.

10 MS. MADDEN: Thank you. Are there any other  
11 questions? All right. We have time for one more. Ms.  
12 Parks.

13 MS. PARKS: I was just a little curious, with a  
14 public relations background, you know, I recognize that  
15 Greenpeace does a lot of public relations efforts in the  
16 focus. But what kind of balance do you have with research  
17 and statistical data? Do you -- does Greenpeace -- have a  
18 portion to do that, a mechanism, or do you collect data  
19 from other sources?

20 You know, you made a comment about the areas  
21 saturated with all kinds of polluting activities. But I'm  
22 just wondering, you know, what kind of documentations do  
23 you have to back up some of this?

24 MR. SMITH: Well, Greenpeace does engage in  
25 independent investigation and research. And of course we



1       rely both on government data, but we also rely on work  
2       that we do ourselves. We took action on our own to test  
3       tars and heavy Ns and sludge waste from some of the vinyl  
4       facilities in this area, and we produced a report that  
5       outlines the fact that significant levels of dioxin  
6       contamination were found on the premises of a number of  
7       the plants here in this area, in Texas, and in other parts  
8       of Louisiana.

9                So yes, indeed, we do that. In fact, we did  
10       our own critique of ATSDR's dioxin report, and we have  
11       here, which I am submitting for the record, a one-page  
12       review of that exposure and investigation and our  
13       recommendation for what ought to be done. That includes a  
14       graph and chart here.

15               So yes, indeed, we do do independent research,  
16       and this is why -- and to state this very quickly -- we  
17       want to participate with the community in what we're  
18       recommending to be a scientific, technical, and legal  
19       meeting with all of the agencies so that we can review the  
20       various testing that is currently under way, so that we  
21       can have a third-party process of review for what the  
22       agencies are doing.

23               This would help to empower the community. This  
24       will also help to build trust within the community about  
25       what ATSDR is doing. And our scientist, Pat Kostner in

1 our laboratory in England, we are prepared to do whatever  
2 to assist with this process.

3 MS. RICHARDSON: Can I get a quick one?

4 MS. MADDEN: I think we have time for one quick  
5 question.

6 MS. RICHARDSON: And I try to respect time, but  
7 something came to mind with Ms. Parks' last question. A  
8 scientifically recognized field of research is anecdotal  
9 data. There have to be certain patterns, certain amounts  
10 and what-not. Is Greenpeace engaged in any kind of  
11 anecdotal data collection that might assist in your  
12 efforts?

13 MR. SMITH: Are you talking specifically about  
14 the communities here in -- the situation here in  
15 Louisiana?

16 MS. RICHARDSON: Yes, particularly here.

17 MR. SMITH: No, we're not. But we are going to  
18 continue to respond to the testing that the agencies are  
19 doing, as we -- by the way, this is a one-page document,  
20 but we have produced a report about this thick which,  
21 again, critiques the dioxin study and provides  
22 recommendations.

23 So we will continue to work with the  
24 communities to do whatever they need, including  
25 anecdotal -- collection of anecdotal data as necessary to

1 help document the situation here -- the problem here.

2 Thank you.

3 MS. MADDEN: Thank you very much, Mr. Smith.

4 MR. SMITH: Thank you very much.

5 MS. MADDEN: We appreciate your being with us.

6 MR. SMITH: Who do I give the documents to?

7 MS. MADDEN: Yes. If you would, give those to  
8 one of our staff members, Ms. Robinson. Thank you.

9 All right. Our next presenter is Jerry  
10 Clifford Regional Administrator for the U.S. Environmental  
11 Protection Agency, Region VI.

12 MR. CLIFFORD: Good morning.

13 MS. MADDEN: Good morning, Mr. Clifford. For  
14 the record, would you please state your name and your  
15 occupation.

16 MR. CLIFFORD: Good morning. My name is Jerry  
17 Clifford. I've not been promoted to the Regional  
18 Administrator of the EPA Region VI, unless there's  
19 something you know that I don't. I'm the Deputy Regional  
20 Administrator.

21 VOICE: So noted.

22 MR. CLIFFORD: I'm the -- again, my name is  
23 Jerry Clifford. I'm the Deputy Regional Administrator for  
24 EPA's Region VI office in Dallas, Texas.

25 Good morning, Chairperson Madden, and

1 distinguished members of the Louisiana Advisory Committee  
2 to the U.S. Commission on Civil Rights. I thank you all  
3 for the opportunity to testify before you today and  
4 discuss with you what our efforts have been in the Lake  
5 Charles/Calcasieu area.

6 I'm happy to be here to discuss EPA's efforts  
7 and activities, mostly of late, in the Lake Charles and  
8 Calcasieu area of Louisiana. I've submitted a full copy  
9 of my statement for the record, although I've taken the  
10 liberty to embellish some on my prepared remarks.

11 The mission of the Environmental Protection  
12 Agency is to safeguard and protect the natural  
13 environment: the air, the land and the water. One of the  
14 single most important concerns emanating from a  
15 contaminated environment is its potential to adversely  
16 affect human health.

17 As reiterated in the agency's 1997 strategic  
18 plan, our mission is to ensure that all Americans are  
19 protected from significant risks to human health in the  
20 environment where they live, where they learn, and where  
21 they work.

22 That federal laws protecting human health in  
23 the environment are enforced fairly and effectively. That  
24 all parts of society -- communities, individuals,  
25 businesses, state and local governments and tribal

1 governments -- have access to accurate and reliable  
2 information sufficient to effectively participate in  
3 managing their human health and environmental risks in  
4 their communities.

5           And that environmental protection contributes  
6 to making all our communities and ecosystems diverse,  
7 sustainable and economically productive. The EPA Region  
8 VI office in Dallas is responsible for managing and  
9 overseeing environmental programs in Texas, Louisiana,  
10 Oklahoma, Arkansas, and New Mexico.

11           The demographic makeup of the region is even  
12 more diverse, with representation by a variety of races  
13 and ethnic groups, including 65 federally-recognized  
14 Native American tribes, and a very broad spectrum of  
15 income levels. The region has a major role in  
16 responsibility for addressing the environmental and public  
17 health concerns facing each and every one of these  
18 communities.

19           Most of the environmental statutes administered  
20 by EPA are under provisions whereby states may obtain  
21 approval to administer their own state programs consistent  
22 with federal rules and regulations. In general, state  
23 programs must meet minimum federal requirements.

24           They may be more stringent than federal  
25 programs and may be broader in scope than our federal

1 programs. In Louisiana, the Louisiana Department of  
2 Environmental Quality is authorized to administer state  
3 programs, including permitting and enforcement, under the  
4 Clean Water Act, the Clean Air Act, and the Resource  
5 Conservation and Recovery Act.

6 A brief description of our role in the  
7 implementation of each of these statutes is included in my  
8 prepared remarks, and so in the interest of time I'll not  
9 go through those if the committee would allow.

10 I do want to touch on the broader enforcement  
11 arena, because I know that's of particular concern to this  
12 committee. In response to a petition by the Louisiana  
13 Environmental Action Network, and based on EPA's  
14 independent oversight authority, we conducted a  
15 comprehensive multimedia review of the LDEQ enforcement  
16 program in October 1997.

17 EPA issued a report of its program review in  
18 July 1998. I could make that report available should the  
19 Commission want it. Our report outlined that the  
20 enforcement program at the Department of Environmental  
21 Quality, where it has many strengths, also had a number of  
22 serious deficiencies that we identified in that review.

23 The final report contained 36 recommendations  
24 for improvement. The Region VI office, our office in  
25 Dallas, continues to work with LDEQ in implementing an

1 action plan that they developed immediately following the  
2 report. And we have continued to put extra emphasis on  
3 our own internal enforcement efforts in Louisiana since  
4 that time.

5 We work closely with the state to develop,  
6 among other things, a penalty policy; a policy by which  
7 when an industry is found in noncompliance, at the federal  
8 level of EPA we have a penalty policy that helps us make  
9 sure that we are consistently assessing penalties across  
10 all our programs, across all 50 states.

11 And we have been working with LDEQ. They have  
12 now developed a penalty policy that's consistent with the  
13 EPA's national policy and are in the process of applying  
14 that policy to their current enforcement actions. In  
15 addition, joint inspections are routinely conducted in the  
16 core programs, and we work with the state to share the  
17 lead on the followup of those enforcement actions.

18 With respect to our involvement in Calcasieu  
19 Parish, it began roughly in earnest back in 1990 with a  
20 site inspection under our Superfund program of the Gulf  
21 States Utility site on North Ryan Street. The site  
22 inspection was completed in September and revealed  
23 contaminants attributable to the North Ryan Street  
24 facility; that those contaminants were being released into  
25 the estuary.

1           The site was proposed for the national  
2 priorities list in 1995, and since that time we have  
3 worked with the responsible party, both through our own  
4 efforts under removal of authorities to clean up a portion  
5 of that site; and now through their actions to clean up  
6 the remainder of that site. That site is well into the  
7 cleanup phase at this time.

8           In addition, through that investigation we  
9 found significant contamination in the broader Calcasieu  
10 Estuary, which is about -- I can't remember now -- 13  
11 square miles, I believe, roughly. We have -- I don't have  
12 with me today, but if the Commission would like -- we have  
13 maps that show where this contamination is in the estuary  
14 to give you a sense.

15           We had some information on a Powerpoint. It  
16 doesn't appear that the room is conducive to showing that  
17 to y'all.

18           MS. MADDEN: If you would get that to us we'd  
19 appreciate it.

20           MR. CLIFFORD: But we could certainly get it to  
21 you. We are in the first phase -- we've completed the  
22 first phase of the sediment sampling and through that  
23 effort have identified significant hot spots as a result  
24 of that sampling, and we're looking at, in terms of the  
25 magnitude of that particular site, the investigation is



1 going to cost the federal government on the order of \$6  
2 million, just to investigate this particular problem.  
3 It's so pervasive.

4 We're going to spend roughly of that 1.5  
5 million just to do the analytical work to determine what  
6 contaminants are in the sediments and on what level  
7 they're in the sediment before we even begin to identify  
8 what potential cleanup alternatives are before us.

9 In May and December '97 at meetings of the  
10 National Environmental Justice Advisory Committee in  
11 Wisconsin and in Durham, North Carolina, Calcasieu Parish  
12 citizens testified at both those committee hearings, and  
13 in their testimony relayed some of the concerns that you  
14 will hear during the course of your hearings over the next  
15 two days.

16 As a result of those two hearings, our  
17 enforcement division stepped up its enforcement activity  
18 in Lake Charles, Louisiana. In January '98  
19 representatives visited the parish and met with several  
20 citizens to individually discuss what their current  
21 concerns were from an enforcement perspective.

22 Following a 1998 meeting in Oakland,  
23 California, one which I attended, we set up a separate  
24 meeting to hear about the concerns from the individuals  
25 from this area who attended that Oakland EJAC meeting.

1 And in the process of that conversation, I myself learned  
2 about the significant concerns facing the citizens of this  
3 area.

4 As a result of that effort, we pulled together  
5 a team of people inside the regional office who are all  
6 working on different aspects: water pollution efforts,  
7 Superfund efforts, air pollution efforts, enforcement  
8 efforts in Lake Charles, and pulled a team together for  
9 the first time where everybody in our office who were  
10 working on aspects of the contamination problem in this  
11 area were working together for the first time from a  
12 community-based perspective. Very different than how we  
13 typically manage our work at EPA.

14 In addition, I agreed to meet -- at the Oakland  
15 meeting I agreed to come down and meet with the community  
16 to hear firsthand what the concerns are from people who  
17 were unable to make the Oakland meeting. And as a result  
18 of that meeting and at their request, I committed to work  
19 with the State Department of Environmental Quality to meet  
20 at least four times over the course of a year to come down  
21 to this community and meet to hear what their concerns are  
22 and begin a process of making sure that our efforts across  
23 our immediate programs were addressing the most  
24 significant public health and environmental concerns of  
25 the citizens of Lake Charles, Louisiana.

1           On the -- just some initial results from the  
2 enforcement perspective, if I might add, for the period  
3 from 1998 to the present, if we compare that period to the  
4 two-year period from 1995 to 1997, EPA's enforcement  
5 actions in Calcasieu Parish have increased 130 percent  
6 from an administrative penalty order perspective.

7           From that same period, our judicial  
8 referrals -- those cases which are more significant  
9 than -- in other words, they are significant enough that  
10 we need to bring in the Department of Justice to help us  
11 on the enforcement front -- they have increased roughly  
12 five times from that which we were typically referring on  
13 an annual basis to the Department of Justice from our  
14 enforcement actions in this area.

15           In response to citizen concerns regarding the  
16 drinking water quality in Mossville, EPA sampled the  
17 Mossville drinking water system in 1998 for volatile  
18 organic compounds and in 1999 for dioxin. We found no  
19 compounds detected in the drinking water system above the  
20 drinking water maximum contaminant levels for any compound  
21 tested.

22           In addition, we conducted the first ever in our  
23 region what we call a comprehensive performance evaluation  
24 of the municipal public water system. Although -- and we  
25 did that in conjunction with the Louisiana Department of

1 Health and Hospitals -- the system was found to be in  
2 compliance with all Safe Drinking Water Act requirements.

3 What we did find is some performance limiting  
4 factors that, although they weren't violations of the Safe  
5 Drinking Water Act, the operator agreed to step forward  
6 and address those issues. And to my knowledge today,  
7 those issues have been addressed.

8 In 1998, citizens of this area brought to our  
9 attention -- certainly was brought to my attention for the  
10 first time -- that there were citizens in this community  
11 who had their blood tested that showed elevated levels of  
12 dioxin. At that point, we had requested the Agency for  
13 Toxic Substances and Disease Registry to come in and help  
14 us determine whether this was a past problem, a current  
15 problem, or something that could be addressed either  
16 through health -- through their side of the federal  
17 responsibilities, or through environmental protection from  
18 our side of our responsibilities.

19 I know Dr. Abraham from ATSDR is on your agenda  
20 to speak tomorrow, as is Dr. Jimmy Guidry from Louisiana  
21 Department of Health and Hospitals. So I'll not mention  
22 more about what was found there, but just mention that we  
23 are working closely in conjunction with ATSDR and the  
24 State of Louisiana to develop a plan to figure out where  
25 that dioxin is coming from and what we can do to stop the

1 exposure, if there's any ongoing exposure to dioxin levels  
2 in this area.

3 Also in the Lake Charles area it was  
4 actually -- I noticed it was in the newspaper today as a  
5 result of our meeting last night -- we have worked with  
6 the state and industry to expand an air toxics monitoring  
7 network in the Lake Charles area.

8 My understanding is we will have now five very  
9 capable air quality monitors monitoring dioxin, among  
10 other things; very comprehensive monitoring to help us  
11 determine at what levels ambient air toxics are occurring  
12 in the Lake Charles area.

13 Because of expenses, we're only going to be --  
14 because of the expense for dioxin analytical work, we'll  
15 do that analysis for one year and the rest of the analysis  
16 will take place over a three-year period.

17 We have also worked with citizens in this area  
18 to help fund what is called or termed a bucket brigade.  
19 And this is a program whereby citizens, in their own time,  
20 learn to take air quality samples. And when they smell  
21 something in their backyard or in their home that is  
22 foreign to them that they're able to open up a canister or  
23 a bag, collect an air sample, and we analyze it to  
24 determine what it is they're actually being exposed to.

25 It's not a perfect method. In other words, it

1 doesn't tell us whether a grab sample, there's been a  
2 violation of an ambient air quality standard. It doesn't  
3 tell us whether there's an exposure level over a length of  
4 time that warrants significant acute concerns.

5 But it does help us understand what types of  
6 emissions and exposure is occurring to citizens in this  
7 area. On the broader effort side within our region, we  
8 are working on an issue that we call episodic releases,  
9 and it's an issue that was brought to us by a longtime  
10 devoted environmentalist in this area. Her name is Wilma  
11 Subra, but she raised an issue at a national meeting that  
12 I co-chair called the Petroleum Common Sense Initiative  
13 about accidental releases.

14 These are releases -- typically, when a  
15 facility shuts down or starts up, our permitting allows  
16 some additional increase in emissions during those  
17 periods. Oftentimes those emissions are flared, and  
18 you'll hear a lot about flaring from your testimony over  
19 the next two days.

20 We heard about it. We didn't have a good  
21 handle on exactly what the magnitude of these emissions  
22 were, so we did an analysis inside our region among our  
23 facilities, and we identified the top ten to 15 facilities  
24 in our region who were reporting -- they do have to  
25 report -- these accidental releases and the emissions that

1 are coming from these releases, and we found that the top  
2 eleven facilities were emitting over a five-year period 50  
3 percent of the emissions from all facilities in our region  
4 during that period.

5 So we took the initiative to bring those  
6 facilities in. We have learned a lot from that process.  
7 We created an interagency team with DEQ, the State of  
8 Texas, and industry to work with us to find the root cause  
9 of what these problems were and to help develop strategies  
10 to cut back on these emissions.

11 As importantly, it helped increase, I believe,  
12 at least the facilities that are represented in this  
13 group, their awareness of the concerns of citizens about  
14 flaring; the concerns about the size the flares, the  
15 duration of the flares, what they are smelling as a result  
16 of the flaring, the additional light that's caused. Much  
17 of this flaring that occurs at night creates a light  
18 problem for citizens that are living right next to these  
19 facilities.

20 It also creates a tremendous noise problem.  
21 You have to be living right next to these facilities.  
22 That increased awareness has, in my view, helped them at  
23 the facilities focus more on controlling flaring and  
24 trying to find out what is causing it and how they can  
25 reduce the amount of flaring at these facilities.

1           We are hopeful that this effort with these  
2 facilities can be transferred to other facilities, not  
3 just in our region but nationwide, to help address this  
4 particular problem, and especially in communities where  
5 citizens live this close to facilities.

6           We have created an Office of Environmental  
7 Justice in our region. That office has been in place for  
8 about a year now. We have five staff of that office. The  
9 head of that office is with me here today, Warren Arthur.  
10 Sitting next to me is one of our employees who works in  
11 that office, and their responsibility is to be the voice  
12 of the community in our regional office, because the  
13 community can't be in our regional office every day.

14           It's to reach out to the community, to listen,  
15 to understand what their concerns are in all five states,  
16 not just Louisiana, and not just in Lake Charles, but to  
17 help them understand what the issues are and for them to  
18 help our program employees understand what the issues are  
19 and to help facilitate how we can address those concerns  
20 at the local level.

21           Our regional administrator -- this group  
22 reports directly to me, so the level of interest within  
23 our regional office is very high with respect to this  
24 team. In addition, our regional administrator, Greg Cook,  
25 is very supportive of our efforts to address environmental



1 justice issues, and he and I both find the time in our  
2 travels throughout our state to sit down with communities  
3 periodically to listen to what their concerns are and then  
4 bring those concerns back into the regional office.

5 Thank you for bearing with me. Let me just  
6 close. I know I've probably taken more than my time.

7 I believe that we have significantly stepped up  
8 our responsiveness to environmental issues in the State of  
9 Louisiana and, in particular, in Calcasieu Parish and Lake  
10 Charles. I believe that the progress we have made is due  
11 in large part to three actions.

12 First, and I think foremost, it's due to the  
13 diligence and action on the part of the citizens to  
14 continue to force these issues before the attention of  
15 regulatory agencies. Had they not spoken out at the  
16 National Environmental Justice Advisory committee, we  
17 would not have known the types of problems that these  
18 communities are facing across all our immediate programs.

19 Sure, we would have known there's a water issue  
20 in the estuary. Some folks in our office would have known  
21 that. Sure, we would have known that we have a continuing  
22 enforcement challenge, and our enforcement division folks  
23 would know that.

24 But had it not been for the community raising  
25 these issues to our attention at the national level, I

1 really don't think we would have quickly come to  
2 understand the holistic nature of all the types of  
3 pollution and emissions that the community faces in areas  
4 like this, in Lake Charles.

5 Second, action on the part of the State  
6 Department of Environmental Quality. They have a large  
7 staff. There is no way that the Environmental Protection  
8 Agency in our region, spread across five states, would be  
9 able to accomplish as much as I think we've accomplished  
10 over the last few years without their working with us,  
11 especially on this air toxics issue, especially on the  
12 episodic release issue, and especially on the enforcement  
13 front.

14 You will hear from state employees, but I  
15 believe they will tell you and my information shows that  
16 their enforcement actions and activity has stepped up  
17 significantly in the Lake Charles area, as well as ours.

18 And lastly, I believe it's a commitment on the  
19 part of the entire agency, and that's to increase the  
20 level of diversity within the agency. Over the last --  
21 well, since this administration, last seven plus years,  
22 there's been a fairly significant increase in the number  
23 of minority employees who are now employed at the  
24 Environmental Protection Agency.

25 And I really believe that if we are going to

1 address the issues of our communities that our workforce  
2 needs to be reflective of the community out there that  
3 we're helping to address. Issues in those communities  
4 that we are helping to address.

5 Each assistant administration at EPA, each  
6 regional office, was asked to reach out to their minority  
7 employees to hear what their concerns are and understand  
8 what their issues are and develop plans to address them.  
9 That process is no different than the process we have used  
10 to listen to the concerns of communities like Lake Charles  
11 and to work with them to develop actions that we can take  
12 to address those issues.

13 This increased emphasis internally on the value  
14 of a diverse workforce, the focus on environmental justice  
15 at the national level, the focus on Title VI complaints  
16 and getting finally our guidance out on how to address  
17 Title VI complaints so that we can begin to address Title  
18 VI complaints, combined, I think move us towards a greater  
19 awareness of what the issues are, a greater understanding  
20 of how we can tackle those issues, and therefore, and most  
21 importantly, responsive action.

22 But just as we must continue to be diligent on  
23 diversity internally, we need and must continue to be  
24 diligent and unwavering in addressing the public health  
25 and environmental concerns of minority communities and low

1 income communities everywhere. Our work is clearly far  
2 from done, and we cannot sit back on our meager laurels at  
3 this point.

4 Thank you.

5 MS. MADDEN: Thank you very much, Mr. Clifford.

6 We are running a little bit behind schedule,  
7 but I'd like to take a couple of questions. Anyone on the  
8 state advisory committee with a question? Let me go to  
9 Dr. Wright first.

10 DR. WRIGHT: Mr. Clifford, we heard a lot today  
11 about how Louisiana politics seems to affect remedies that  
12 are attempted to be put in place for some of the  
13 environmental policies -- for some of the environmental  
14 problems that communities are having, and I just would  
15 like to ask if it has been your experience, without being  
16 specific, if Louisiana politics, just generally  
17 speaking -- we're not asking for names -- has had any  
18 impact on the work that you do?

19 MR. CLIFFORD: I know there is much concern  
20 about that potential. At the federal level, I can  
21 honestly say I have not felt any pressure on the part of  
22 the governor's office, on the part of industry in this  
23 state, to do anything different than what we have set out  
24 to do in Louisiana, Lake Charles.

25 I cannot comment, though, on what influence if

1 any is being applied at the state or local level. But at  
2 the federal level, I have not experienced any impact from  
3 a political nature on activities that we've undertaken or  
4 planned undertaking.

5 MS. BOURG: Mr. Clifford, I have a couple of  
6 questions to ask you. It seems, just looking at the toxic  
7 release inventory air releases ranked by facility over  
8 some years, that there's a fairly steady increase in bad  
9 stuff. It's going in the wrong direction, it seems like.

10 And I guess my question would be if you're  
11 relying so heavily on the state programs, you know, it  
12 seems to put an enormous burden on the citizens to deal  
13 with those local politics when in fact the national EPA is  
14 supposed to be there so that they don't have to have that  
15 undue burden.

16 And my question more specifically would then  
17 be: Has the EPA ever pulled the agency authority from a  
18 state program. And if it never has, would you consider  
19 it, and what might be the precipitating incidents or  
20 behaviors that would cause it to be so?

21 MR. CLIFFORD: I don't know specifically. My  
22 understanding is we have pulled a program or two from a  
23 state agency. But it is not the agency's inclination to  
24 do that for a couple of key reasons. One is we don't have  
25 the resources to run these programs is one key one.

1 I am not aware of any incidents in our region,  
2 and I've been in our region for four years, but even  
3 historically in our region, I'm not aware of any program  
4 that this region has pulled away from a state.

5 Now, the circumstances that would arise to that  
6 occasion. I am familiar with a situation in the Northeast  
7 where a state agency's resources were cut so drastically  
8 by the legislature that the regional office determine that  
9 they -- there was no way they could implement one or two  
10 of their programs, and they initiated the process to  
11 withdraw those programs as a result of the cut in  
12 resources.

13 The state legislature responded, put those  
14 resources back in there, and the agency never followed  
15 through with its proposal to withdraw the program. The  
16 kinds of things that would lead a region to go to that  
17 type of a drastic measure is not complying with the  
18 federal requirements and not agreeing to develop a plan  
19 where we found they were not complying with federal  
20 requirements, not agreeing to implement a plan of action  
21 to bring them back into compliance with those federal laws  
22 and regulations.

23 MS. MADDEN: Thank you. I think Dr. Ford has a  
24 question.

25 DR. FORD: Mr. Clifford, my question is

1 somewhat similar. You described a great deal of action on  
2 the part of Region VI in this area. And my question is:  
3 How typical is it that a regional office would become so  
4 seemingly involved in enforcement, technical assistant,  
5 analytical assessment of a region within a state where  
6 programs have been delegated?

7 MR. CLIFFORD: Dr. Ford, it's very unusual. In  
8 fact, I'm not aware of a locality or a community that we  
9 have done something similar in our region. This is, from  
10 our perspective, sort of like a pilot investment. We  
11 clearly don't have the resources to do this in multiple  
12 communities across our region.

13 And there are other communities in our region  
14 who cry out for this type of attention. Our hope is that  
15 by investing heavily up front and trying to bring  
16 facilities into compliance, trying to work with the state  
17 so that with us, we are bringing facilities into  
18 compliance, to get some of the issues that are before the  
19 community addressed and behind us, we can move on to some  
20 of those other communities.

21 But we don't have the resources to do this  
22 elsewhere. This is the first time we've attempted to do  
23 something this comprehensive and focus in one local area.

24 MS. MADDEN: Thank you. We have time for one  
25 more question. I'm going to ask Mr. Quigley. Okay. We

1 have one more speaker before lunch, so if you could make  
2 it kind of brief.

3 Mr. Quigley.

4 MR. QUIGLEY: Two real informational questions.  
5 You said your efforts -- you're doing five times more than  
6 you used to do in one specific area. What area was that  
7 again?

8 MR. CLIFFORD: That was with respect to  
9 referring enforcement actions to the Department of  
10 Justice.

11 MR. QUIGLEY: And what does that translate  
12 into? How many was it before; how many is it now?

13 MR. CLIFFORD: Typically, we would only do in  
14 an area like this probably one a year. So we've stepped  
15 that up to, like, five a year and a lot -- it takes quite  
16 a while to develop a case from its initial inspection, and  
17 so we have a lot of casework yet to come, based on our  
18 stepped-up inspection efforts in this area.

19 MR. QUIGLEY: Okay. And the final question is:  
20 You indicated that you haven't received any pressure from  
21 the governor or the legislature or the chamber of commerce  
22 to slow down, but sounds like you're getting a lot of  
23 suggestions from citizens that you ought to -- that there  
24 ought to be more done. Does that indicate sort of a  
25 future course of action that might suggested?



1 MR. CLIFFORD: Well, I don't consider community  
2 focus and pressure political pressure.

3 MR. QUIGLEY: Well, I -- but my question, I  
4 guess, is if the people want you to move faster and the  
5 politicians are happy with the way you are right now,  
6 doesn't that suggest that maybe there could be more done?

7 MR. CLIFFORD: I think the suggestion that  
8 there could be more done is very well taken. I agree more  
9 could be done.

10 MS. MADDEN: We don't have really have time --  
11 into something very -- to get into something --

12 DR. RICHARDSON: No. I have all these things  
13 running around in my head, and this will be very brief.

14 MS. MADDEN: Go ahead.

15 DR. RICHARDSON: Commendations on the  
16 establishment of the entity that addresses environmental  
17 justice, which is a much more genteel time -- turn than  
18 the one it replaced -- environmental racism. So if  
19 anybody's concerned with the environmental justice, then I  
20 have a concern with them.

21 But I'd like to know something about the  
22 staffing. That tells us to what extent you're dedicated  
23 to carrying out the principles of environmental justice;  
24 the staffing pattern, the workload, that kind of thing?

25 MR. CLIFFORD: Well, this is our first year.

1 We have, as I mentioned, five individuals. The head of  
2 the office is Olivia Balandran, and she's here with us  
3 today. Warren works with Olivia. We have five  
4 individuals that in my view are highly competent  
5 individuals.

6 DR. RICHARDSON: That's five professional  
7 staff?

8 MR. CLIFFORD: Yes. Five professional staff.

9 DR. RICHARDSON: Plus support staff?

10 MR. CLIFFORD: And support staff -- they have  
11 to scramble for it.

12 DR. RICHARDSON: So that's the next thing you  
13 need to address.

14 MR. CLIFFORD: We share support staff actually,  
15 but five professional staff, very -- a quite varied level  
16 of experience on the part of those staff, but two of them  
17 are Hispanic speaking, and we have a large Hispanic  
18 population in our region that we need to address as well.

19 And so -- but to get to your other question,  
20 Ms. Richardson, is they're highly overworked.. They are  
21 highly overworked.

22 DR. RICHARDSON: But yet it has choices as many  
23 as our regional staff, so somebody has a commitment.  
24 Thank you.

25 MS. MADDEN: Thank you very much.

1 All right. We're going to take two more  
2 questions, even though we are running a little bit behind  
3 time. This is so interesting. I'm going to ask Dr. Ford  
4 and then Ms. Bourg.

5 MR. CLIFFORD: Chairperson, is that going down?  
6 I just want to follow up. The staff -- we have five  
7 staff. We also have a representative at each of our  
8 divisions. So we have an environmental justice work group  
9 that cuts across the entire organization that supports  
10 them, so we have people in each division that are focused,  
11 in addition to the five on the -- in the office, and  
12 together they're working quite collaboratively across all  
13 these issues in the region. Thank you.

14 DR. FORD: Mr. Clifford, I just wanted to  
15 follow up to the earlier question. You pointed out that  
16 in October '97 EPA Region VI conducted a review of DEQ --  
17 LDEQ's enforcement activities and outcomes. Is there any  
18 connection between the findings of deficiency and your  
19 concentration here in the Lake Charles area, or they are  
20 totally unrelated in terms of those deficiencies and what  
21 you brought to the table in this community to address  
22 environment issues?

23 MR. CLIFFORD: No, sir. I don't believe there  
24 is a direct connection. I think we began to step up our  
25 enforcement activities as a result of the two earlier

1 NEJAC meetings in Wisconsin and North Carolina. And Sam  
2 Coleman, our enforcement division director, initiated the  
3 process of stepping up our enforcement acts.

4 Concurrent with that we were petitioned by LEAN  
5 to review the enforcement program. And so there wasn't --  
6 we didn't find anything to my knowledge, and I can double-  
7 check, but to my knowledge, I don't believe we found  
8 anything with respect to our review of the enforcement  
9 program that said more things were not getting done in the  
10 Lake Charles area than in other parts of the state. If  
11 that was your question.

12 DR. FORD: That speaks basically to it.

13 MS. BOURG: Well, I have a two-part question,  
14 since I'm allowed one question. I'll just call it a  
15 technical question with two parts. Can I get away with  
16 it?

17 I understand that loading docks do not have to  
18 report high emissions; that only manufacturing facilities  
19 report them on the toxic release inventory. And yet,  
20 surely it would seem that those incidents that would have  
21 occurred or might occur at loading docks could affect  
22 communities that live nearby. That would be Part 1.

23 Part 2 of that question is you mentioned that  
24 the drinking water, where you tested it, did not show the  
25 dioxin or did not show the things that you were testing

1 for. Is it not true that the drinking water level comes  
2 from one level, and that above that level, perhaps not  
3 below it where the aquifer is, but above that level where  
4 you tested, might in fact be contamination that is seeping  
5 ever so slowly and in fact be something of a time bomb  
6 just waiting to get there, which then would be an enormous  
7 thing to clean up if the entire aquifer were affected.

8 MR. CLIFFORD: With respect to TRI -- I figured  
9 if I stayed up here long enough you'd ask me a question I  
10 couldn't answer, but let me take a shot at it. Our toxic  
11 release inventory program is a nonregulatory program. It  
12 is simply a reporting program. So there's no authority  
13 under the law that allows us or enables us to establish  
14 regulations to direct states or facilities to reduce their  
15 TRI emissions. It is simply a voluntary reporting  
16 measure.

17 Now, as a result of that voluntary program,  
18 however, in many parts of the country and at many  
19 facilities, there is a definite decrease in emissions  
20 because facilities don't necessarily want to be reported  
21 as the largest emitter of pollution in any particular  
22 area. So it's a voluntary program.

23 So getting back to the loading docks. Yes,  
24 emissions from loading docks do contribute to overall  
25 emissions in a particular community. But even if they

1 were added to the TRI inventory, there would be no  
2 guarantee that those emissions would actually go down,  
3 because the authority to require that does not exist.

4 Now, with respect to -- on the second question,  
5 I'm sorry?

6 MS. BOURG: It was the aquifer and where you  
7 tested for the drinking water and what might be a time  
8 bomb waiting to go off.

9 MR. CLIFFORD: We have -- we actually did two  
10 things. A lot of the residents in the Mossville area at  
11 one time used private drinking water wells also instead of  
12 the public water supply. So in response to concerns about  
13 those, we did a search to see if anybody was continuing to  
14 use a private well for drinking water.

15 And I'm pretty sure we found that there were no  
16 residents using their private well for drinking water. We  
17 did send out a survey and asked, because we don't know  
18 where all those private wells are and how they're being  
19 used, but we did send out a survey and ask people to tell  
20 us if, one, if they were, and two, if they thought that  
21 for some reason -- smell, odor, past disposal practices in  
22 the area -- they were concerned about the drinking  
23 water -- their well, to tell us and we would go inspect  
24 it.

25 I can't remember how many homes we actually

1 went out and inspected as a result of the survey, however.

2 (Pause.)

3 MR. CLIFFORD: Okay. Warren tells me that's an  
4 ongoing effort as we speak.

5 There are somewhere in the order of 200  
6 industrial facilities in this area. Some of them are  
7 regulated under the Resource Conservation and Recovery  
8 Act, and they are treatment, storage or disposal  
9 facilities. Seven of those fall into that category.

10 I think at all seven of those facilities, if  
11 I'm not mistaken, there is ground water contamination, the  
12 result of spills, leaks, et cetera, et cetera, in and  
13 around those facilities. Each of those facilities -- and  
14 so that your concern is well taken, Ms. Bourg, that that  
15 contamination can find its way into what is called the  
16 Chicot Aquifer, which is a sole source aquifer drinking  
17 water supply for much of this part of Louisiana. Very  
18 sensitive.

19 And so we are concerned about that, so we are  
20 working with the state to ensure that the contamination  
21 that has been released from these seven facilities is  
22 being captured by some sort of groundwater treatment  
23 system. And to my knowledge, each of those systems are in  
24 place and of late, we have actually worked with DEQ to  
25 expand some of the groundwater extraction activities at at

1 least one or two of them.

2 MS. MADDEN: One quick question from Ms. Parks.

3 MS. PARKS: It's a quick question.

4 MS. MADDEN: Okay.

5 MS. PARKS: Clarification. Ms. Bourg mentioned  
6 something about heavy increase in bad stuff. Is that in  
7 fact what we're looking at, or are we looking at a lot of  
8 these problems having been caused by past practices? Can  
9 you kind of clarify that?

10 MR. CLIFFORD: I think the real heart of the  
11 issue is twofold. If I live in an area where for years I  
12 had been exposed to lots of emissions -- we all know  
13 cancer doesn't -- you don't get exposed to something today  
14 and develop cancer tomorrow morning. Our bodies react  
15 over a long period of time to exposure to hazardous  
16 constituents.

17 And so one concern is that people have been  
18 exposed over long periods of time to different types of  
19 chemicals. And we won't know at what levels, because  
20 before TRI, we didn't measure that. And so there's no way  
21 of knowing what body burden residents who live in an area  
22 like this have today already built up in their system  
23 which are causing or could be causing or contributing to  
24 bad health or their children's bad health, for that  
25 matter. That's one part.



1           The second part is we now know, based on the  
2 toxics release inventory, how much is being emitted in  
3 communities like this. The national regs -- EPA's regs --  
4 if I could take air pollution, for example -- we've done  
5 what I think is a very good job of finding out for any one  
6 particular facility how much they should control their  
7 emissions.

8           But for the National Ambient Air Quality  
9 Standards, which include things like ozone, sulphur  
10 dioxide, nitrogen oxide, carbon monoxide, we don't have  
11 ambient standards for air toxics. So the soup of  
12 chemicals that residents breathe in an area where there  
13 are -- that is heavily industrialized, we don't yet have a  
14 standard that says, In an area like this there can't be  
15 more than X amount of emissions across all the facilities.  
16 Our science has not gotten us to that point yet.

17           And so that cumulative impact, both historical  
18 accumulation and current cumulative impact of emissions  
19 from multiple facilities on an individual, I think, is the  
20 heart of the problem that we're trying to address.

21           MS. MADDEN: Thank you very much, Mr. Clifford.  
22 We appreciate your patience with all these questions.

23           We have one more presented before we take a  
24 lunch break. And we are running a little bit behind  
25 schedule, so we'll cut back our lunch break a little bit.

1           Our next presenter is Monique Harden, who is  
2 with the Earthjustice Legal Defense. Are you here, Ms.  
3 Harden?

4           Would you please state your name and occupation  
5 for the record.

6           MS. HARDEN: My name is Monique -- is this  
7 the -- yes, this works.

8           My name is Monique Harden. I'm an attorney and  
9 community liaison director in the New Orleans office of  
10 Earthjustice Legal Defense Fund. Earthjustice is a  
11 nonprofit public interest environmental law firm, and  
12 we've been working with community groups in the southern  
13 states for the last ten years.

14           Just gather my notes here. First of all, I'd  
15 just -- good morning to you all, and I really want to  
16 commend you all on focusing this meeting and holding this  
17 meeting in Calcasieu Parish, which has, in my estimation,  
18 has been long neglected as a toxic hotspot in this state.

19           I want to first begin by kind of going over  
20 what's been going on since the last committee report in  
21 1993 and kind of catch us up to what's particularly going  
22 on here in Calcasieu Parish with the Mossville community.  
23 And let me first begin by saying that I'm intimately  
24 involved and very committed to working with residents here  
25 in the parish and in other parishes in Louisiana, as well

1 as Mississippi and Texas and Alabama and Georgia, where we  
2 have cases either under development or in litigation.

3 And from that -- from those experiences, I  
4 think, I can provide you with a lot of information on  
5 where things have come to play since the 1993 report,  
6 which was extremely important to our work and still used  
7 in our work. First of all, one of the cases brought that  
8 was focused in the 1993 report involved a community in  
9 northern Louisiana.

10 They named themselves Citizens Against Nuclear  
11 Trash. Ms. Rupert Richardson was very much involved with  
12 supporting that community group which had a nine-year-long  
13 struggle to stop a uranium enrichment facility from  
14 locating right between their two historical African-  
15 American communities. It would have located on the road  
16 that would connect these two communities right outside of  
17 Shreveport, Louisiana.

18 Like I said, this was a nine-year-long struggle  
19 against an international consortium of nuclear energy  
20 producers that had the support of our Senator J. Bennett  
21 Johnson, among other Louisiana politicians, to open up  
22 this plant.

23 At Earthjustice Legal Defense Fund we  
24 represented that community group in challenging the  
25 licensing of that uranium enrichment plant. One of the

1 challenges we brought was solely on environmental justice  
2 under the National Environmental Policy Act.

3 And our charge was, The licensing of this  
4 facility should be denied under the National Environmental  
5 Policy Act because the negative impacts that would be  
6 borne by these two African-American communities haven't  
7 been considered by the Nuclear Regulatory Commission  
8 staff.

9 We also found that in the site selection  
10 process used by Louisiana Energy Services, there was  
11 evidence of racial -- or racism in how they began  
12 narrowing their criteria of where they were going to  
13 locate and finding these two isolated rural African-  
14 American communities as their choice selection.

15 In May 1997 the Atomic Safety and Licensing  
16 Board denied licensing to the Louisiana Energy Services  
17 solely on environmental justice grounds, finding that,  
18 yes, the negative impacts that would burden these African-  
19 American communities were not considered and therefore, it  
20 was violative of the National Environmental Policy Act.

21 Secondly, they also found that there was --  
22 that the evidence we were able to present of racism in the  
23 site selection process was also another grounds for  
24 denying the license and also warranted further  
25 investigation. Louisiana Energy Services --

1 MS. MADDEN: Ms. Harden, would you speak right  
2 into the mic? I think some people can't hear you.

3 MS. HARDEN: I'm sorry. Louisiana Energy  
4 Services appealed that May 1997 environmental justice  
5 decision which brought in April 1998 the full Nuclear  
6 Regulatory Commission denying the license and upholding  
7 the environmental justice grounds for the denial.

8 This was a precedent on two grounds. First,  
9 this was the only nuclear license that had ever been  
10 denied by the Nuclear Regulatory Commission, so in all of  
11 its years as a regulatory body, it's never once denied a  
12 license, which says a lot about how we regulate hazardous  
13 facilities in this country.

14 Secondly it was a precedent because they did  
15 deny this license on environmental justice grounds,  
16 finding that the negative impacts that would be borne by  
17 these African-American communities had not been considered  
18 by the staff. There was no attempt to try to mitigate  
19 those impacts or avoid them.

20 So on behalf of Citizens Against Nuclear Trash,  
21 I'd like to thank this committee for raising awareness  
22 about this environmental justice case in the 1993 report  
23 and also leave you with this important fact about the LES  
24 case, which was that this was the first federal government  
25 agency ever making an environmental justice decision,

1 first of all; and secondly, it brought us one more  
2 environmental statute that could be used to ensure and  
3 protect on environmental justice.

4 And I think that's important for this reason:  
5 because what we hear from so many of our environmental  
6 regulators is that environmental justice is something that  
7 they can't do much more than meet on. They can't  
8 regulate, they can't govern it, they can't protect it,  
9 they can't ensure it, but they can hold a meeting to talk  
10 about it, but not really bring that into action.

11 And the LES case shows that, no, environmental  
12 justice can render a decision that blocks a hazardous  
13 facility from coming into and harming African-American  
14 communities.

15 Another case I was involved in was the Shintech  
16 case, and many of them have heard about it and received  
17 some background documents on it. I'm sorry?

18 MS. MADDEN: Talk right into the microphone.

19 MS. HARDEN: Okay. Have to put my lips right  
20 on it. Okay.

21 And at that time, I was working with Greenpeace  
22 organization, and I was able to develop legal theories and  
23 draft a petition that led to the EPA blocking this -- the  
24 state-issued air permits and co-writing that with the  
25 Tulane Environmental Law Clinic.

1           The main points of the legal challenge was to  
2 echo the demand of the community group in St. James  
3 Parish, who were saying, Enough is enough. We have 17  
4 million pounds of toxic pollution. We don't need another  
5 600,000 pounds of pollution that would be proposed by the  
6 Shintech plant.

7           And what that meant was going through the Clean  
8 Air Act and finding those provisions that could be used to  
9 support that demand. For example, there's a provision in  
10 the Clean Air Act that calls for public participation  
11 process that's meaningful. If you don't have that with a  
12 facility like Shintech, you don't get your permit. So  
13 that was definitely a provision that we used in this  
14 petition, among many others.

15           But all in all, what the petition worked and I  
16 think achieved pretty successfully was marrying those  
17 provisions of the Clean Air Act to environmental justice  
18 concerns for the first time in a way that was articulate  
19 and convincing and compelling for a denial of the permit.

20           Some experiences and lessons I've learned from  
21 this is that once we filed the challenge, this petition,  
22 DEQ repeatedly said, continuously said, that this permit  
23 that they issued to Shintech was valid under the law and  
24 met all the regulatory permitting and was something that  
25 they would not -- that EPA could not block.

1           And what they -- and so by saying that, they  
2 were saying that, This is really -- what you're really  
3 saying is that you want environmental justice, which is  
4 something we -- that's outside of our purview or something  
5 that's outside of our authority.

6           And we were saying just the opposite. No.  
7 Environmental justice is within your purview. It's within  
8 your authority, because it basically ties down to the fact  
9 that for some people, based on their race and their income  
10 levels, their environments are not equally protected.

11           But most disturbing -- I mean, with DEQ, given  
12 its track record and reputation in the state, that wasn't  
13 alarming -- the fact that they were trying to support this  
14 permit that they issued to Shintech. But what was most  
15 disturbing to me for the first time in dealing with these  
16 kinds of issues was having to respond to attempts by EPA  
17 Region VI to get us to withdraw our legal petition.

18           They clearly didn't want to make a decision,  
19 even though they recognized that there was an  
20 environmental justice issue that was very compelling in  
21 this case and that there were areas where the permit  
22 failed to meet with legal and regulatory standards.

23           The agency delayed and postponed its decision  
24 for months, and finally in September 1997, it did issue a  
25 decision that did block the state-issued permits for



1 failure to comply with emission standards in the Clean Air  
2 Act. And the way we argued it was is that the failure of  
3 these permits to comply with existing environmental laws  
4 and regulations would mean that -- would -- knew that the  
5 facility would be that much more hazardous and that much  
6 more destructive and polluting in this community, and  
7 therefore is an environmental justice concern; not a  
8 technical concern.

9 But the decision by EPA is certainly one that  
10 in the process of reaching that decision, it's certainly  
11 one that showed, to me anyway, that this agency is under a  
12 great deal of political pressure. They didn't want to  
13 make a decision on Shintech, even though -- and instead  
14 wanted to try to figure out a way in which the community  
15 could accept Shintech for some pie in the sky bargaining  
16 with other existing pollution that wouldn't have any  
17 guarantees on assuring.

18 But this was the process that was involved in  
19 Shintech and it was a very eye-opening experience. Here  
20 in Calcasieu Parish, I believe the political pressure is  
21 even much more glaring, because one of the things we come  
22 across, one of the obstacles we find, is the question of,  
23 Prove to us that a community is harmed by this pollution.

24 And the question is really -- another way to  
25 look at it is -- was that the questions really begging is,

1 Show us more dead bodies before we take action. Show us  
2 more children with cancer, show us more women with  
3 endometriosis problems before we take action, which is  
4 certainly not the way a public health or environmental  
5 agency should be approaching these kinds of issues.

6 But in the case of Mossville, we have that. We  
7 have people who are suffering from toxic pollution, and  
8 it's proven, it's incontrovertible, but what kind of  
9 response do we get. Do we get the immediate action that  
10 seems to be promised once you meet that hurdle, that  
11 burden of showing that, yes, my health is being affected  
12 by the toxins in my environment.

13 No. What we get instead has been a very  
14 frustrating process of trying to force agencies to just do  
15 their jobs. Nothing more than that. We have a federal  
16 public health agency, a state public health agency, the  
17 DEQ and the EPA, all coming together and saying, This is  
18 our charge. We're going to work on this. We see this is  
19 a crisis. We're going to step in and we're going to take  
20 care of this problem.

21 And as soon as the community begins to get  
22 involved and say, Well, we would like to work with you on  
23 this and we have some ideas on what this should look like,  
24 because, you know, we are, after all, experts on how we're  
25 suffering here -- the doors were shut on them.

1           And beyond that, we began hearing rumors about  
2 what -- that the community was telling the ATSDR to go  
3 away, which was never, ever said, and I still hear that to  
4 this day. And I don't know where that rumor began, but I  
5 can tell you in my involvement meetings with ATSDR  
6 officials, EPA, and community people, the statement coming  
7 from the community has always been clear and concise: We  
8 need you here, we want you here, but we want you to do  
9 more.

10           The programs that you come up with with this  
11 work group doesn't go far enough. Why? Because it's only  
12 based -- it's only focused on data gathering and research.  
13 We need action. We want work groups or a process that  
14 takes care of the health problems in our community.

15           We want work groups or a process that takes  
16 care of and reduces the accidents in our communities and  
17 the excessive pollution here. But instead, what they were  
18 being handed down and actually what was being handed to  
19 them was just more research and data gathering.

20           The community of Mossville is surrounded by 17  
21 industrial facilities. Many of them are known sources of  
22 dioxin. You didn't hear in the comments that came before  
23 me any discussion about how those facilities would be  
24 inspected or scrutinized for their dioxin proliferation in  
25 this community. You didn't hear that. And I think that

1 comes from political pressure.

2           In the Mossville community, you have PPG  
3 Industries, Condea Vista, and Conoco, which are some of  
4 the leading polluters in this area and in this state, I  
5 should mention, that just with air pollution alone, when  
6 you combine the facilities that are all located within two  
7 miles of the Mossville community, they constitute over  
8 one-fifth of the total air pollution in the State of  
9 Louisiana, and this is what surrounds this African-  
10 American community.

11           There's much more data and statistics that I  
12 can share with you in our report that a coalition of  
13 groups, including Mossville Environmental Action Now and  
14 others, Earthjustice Legal Defense Fund, Communities for a  
15 Better Environment, put together called Breathing Ploys  
16 and the Toxic Costs of Industries in Louisiana, and I  
17 have -- in Calcasieu Parish, Louisiana -- and I have a  
18 copy for the committee I can submit to you.

19           The bottom line problem here is that no one  
20 wants to do the hard work. It's tough. It's tough,  
21 because the reason why EPA is here in Calcasieu Parish is  
22 because they should be here. This is not a freebie that  
23 they're throwing out to the community. It's because the  
24 issues here really warrant extra attention, because things  
25 are really at a very, I think, critical and serious state

1 for the health and the environment for the people who live  
2 in this state.

3 One of the things, for example, with the dioxin  
4 issue: Federal agencies and state agencies have known  
5 that dioxin has been a problem in this community for the  
6 last 13 years. There have been fish advisories issued and  
7 posted here in Calcasieu Parish advising people against  
8 fish consumption because of dioxin contamination.  
9 Thirteen years ago.

10 EPA and DEQ had a duty 20 years ago to set  
11 limits on how much pollution goes into our waters. They  
12 didn't do it. Right now they're in litigation on that; on  
13 that failure to implement that, to enforce that law, the  
14 Clean Water Act. In fact, they're actually in court to  
15 appeal a federal court decision that says, Yes, EPA, you  
16 do have this duty. You must set limits on polluted waters  
17 here in the State of Louisiana. That, of course, was  
18 missing from the address before mine.

19 So if you want to talk about cumulative  
20 pollution impacts, we're probably not there scientifically  
21 on the air, because of just the patterns and the wind  
22 patterns and that sort of thing. But we are there for  
23 water, and we also have a law, and it's not being  
24 followed. It's not being enforced.

25 But we get research, we get monitoring data,

1 and where does it go? We now have research monitoring  
2 data that people are in fact contaminated with dioxin.  
3 One gentleman here in the Mossville community is  
4 bedridden, and he was one of the individuals tested. He's  
5 being taken care of by his elderly father.

6 This is a real life and death situation these  
7 industries have put this community into. And it may be  
8 asking too much for community residents to think of EPA,  
9 because DEQ has already demonstrated which side it's going  
10 to stay on. But it might be too much to ask EPA to step  
11 in and do something, but under the law, they have to.

12 And the lack of resources or those sort of  
13 things can't be used as excuses. We got to figure out  
14 ways around it. Instead, what we get is obstruction and  
15 very frustrating actions and responses taken by EPA when  
16 asked to take more action, to get more involved here.

17 The Mossville dioxin situation -- Damu Smith  
18 has submitted a chronology documents the resistance by our  
19 federal and state agencies very well in handling and  
20 coming to grips with how they're going to treat the  
21 community with respect and get action on solving the  
22 health problems and environmental woes in this community.

23 MS. MADDEN: Thank you very much.

24 Do we have questions? Mr. Quigley.

25 MR. QUIGLEY: Could you just explain the role

1 of race in this? Are we talking environmental -- I mean,  
2 our charge is specifically civil rights. Why is this  
3 important for this committee?

4 MS. MADDEN: The question was, Would you  
5 explain the reason for race as it applies to these issues?

6 MS. HARDEN: Sure. For -- and Mossville is 100  
7 percent African-American community. Like many communities  
8 around Louisiana, it was founded shortly after the Civil  
9 War by blacks freed from slavery. These communities have  
10 very long histories. You can go to their old churches and  
11 you can, you know, see the photographs and the documents  
12 that go back -- the cemeteries that go back to the 1800s.

13 So it's in communities like Mossville where we  
14 had these industries, these petrochemical complexes, these  
15 oil refineries, right outside of the doors of where  
16 residents have been living for generations. This  
17 committee should be very interested and concerned about  
18 what's going on at Mossville, because it's the first case  
19 that we have where we can no longer hide behind or cover  
20 the issue with a fig leaf of, We're not quite sure what  
21 the health impacts or consequences are from this kind of a  
22 situation. We know.

23 And the gentleman I was just talking about --  
24 he's suffering. The impacts of living with toxic vinyl  
25 production facilities and refineries right outside his

1 door.

2 MS. MADDEN: Thank you.

3 Are there other questions? No other questions?

4 All right. I can't believe that.

5 We are now going to take a lunch break, and

6 we'll come back here at 1:30, and I'm going to ask Dr.

7 Ford to preside over that afternoon session.

8 (Whereupon, at 12:15 p.m., the hearing was

9 adjourned, to reconvene this same day, Tuesday, September

10 12, 2000, at 1:30 p.m.)

11



A F T E R N O O N   S E S S I O N

12:40 p.m.

1  
2  
3           MS. MADDEN: I'd like to call to your attention  
4 that we're asking Dr. Robert Ford to preside over this  
5 afternoon session.

6           I'm Roberta Madden. I'm chair of the State  
7 Advisory Committee, but I'm just going to sit in and ask  
8 questions this time.

9           DR. FORD: -- some of you who may have missed  
10 the very opening statement by Chairman Madden. I'm going  
11 to just read a portion of her opening statement that  
12 reflects on our ground rules. Important that we keep  
13 those in mind.

14           We want to remind everyone who presents that in  
15 fact there is some precautions about statements that could  
16 defame or otherwise be considered to be inflammatory. We  
17 hope to keep on schedule so that people who are making  
18 presentations, we would ask that you stay within the time  
19 limits that have been made known to you.

20           The time allotted for each presentation must be  
21 strictly adhered to for that purpose. We will include  
22 presentations by each participant, followed by questions  
23 from committee members. To accommodate persons who have  
24 not been invited but wish to make statements, we have  
25 scheduled open periods on our agenda during the evening

1 sessions today at 8:15 and tomorrow at eight o'clock p.m.

2        Anyone wishing to make a statement during that  
3 period should contact a staff member for scheduling.

4 Written statements may be submitted to committee members  
5 or staff here today or by mail to the U.S. Commission on  
6 Civil Rights. The address is Gateway Tower II, 400 State  
7 Avenue, Suite 908, Kansas City, Kansas, 66101-2406.

8        The record of this meeting will be open -- that  
9 is, will be closed on October 13, 2000. With that  
10 reminder, I would like to deviate a bit from our agenda  
11 and give a two-minute opportunity to a citizen who is here  
12 and cannot stay much longer.

13        Ms. Peggy Franklin from Willow Springs will  
14 make a two-minute statement.

15        MS. FRANKLIN: I'd like to thank this  
16 commission for coming to Calcasieu Parish. I really  
17 appreciate it. My name is -- pardon?

18        DR. FORD: Pick up the one on the table.

19        MS. FRANKLIN: Oh. My name is Peggy Franklin.  
20 I live at 2512 North Claybourne, Sulphur, Louisiana. I  
21 have been an environmental activist since 1982 when a  
22 train carrying toxic waste derailed in Livingston,  
23 Louisiana, and the toxic residue was shipped to the Willow  
24 Springs community in southwest Louisiana.

25        Until the train derailment, I had been

1 satisfied living in a sheltered world, surrounded by my  
2 family. However, the train derailment would change my  
3 life and my view of the other world. When the national  
4 news media carried the story of the derailment, I was  
5 astounded to learn that the waste was coming to my  
6 community.

7 I got on the phone and I talked to state and  
8 area public officials, and they advised me to get in touch  
9 with a group of wacko environmentalists, which consisted  
10 of Mike Tritico, Lynn Knapp, Herbert Rigmaden, Mabel  
11 Jones, Ruth Shephard, and Ruth Dohon and Sam Keys.

12 To my surprise, the group of wackos consisted  
13 of men and women, black and white, working for the same  
14 end result: the closure of a hazardous waste landfill and  
15 injection well located in a rural African-American  
16 community called Willow Springs.

17 When I began this long journey in 1982, there  
18 was no grant money. I used grocery money, gasoline; I  
19 wore out an automobile. There was no infighting, no power  
20 trips, and no racial division. We were an unbeatable  
21 team, and the landfill was closed in the 1980s. We could  
22 not have won the battle divided.

23 What I have observed of the last five years is  
24 alarming. Both white and black activists are fighting for  
25 power and grant money. I think the division is harmful to

1 everyone and in the end, no one wins. It is exactly what  
2 our opponents want.

3 What can this commission do? I think you can  
4 work as a mediator to get the different groups in the  
5 State of Louisiana to refocus their energy so that issues  
6 become a top priority and not personalities.

7 Thank you very much for this time.

8 DR. FORD: Thank you, Ms. Franklin, for your  
9 statement.

10 Are there questions from committee members?

11 Then we shall proceed. Mr. Edgar J. Mouton,  
12 president of the Mossville Environmental Action Now,  
13 Incorporated, was next scheduled. Is he present?

14 Then we'll go on to Lois Malvo, North Lake  
15 Charles Environmental Action Now, Incorporated.

16 Pick up the microphone and talk directly into  
17 it, Ms. Malvo.

18 MS. MALVO: Yes, sir.

19 Hello, everyone, and I'm so happy to see that  
20 you all are here to help us in our dilemma of chemical  
21 warfare. I thank God for you all being here. I thank God  
22 for everyone that is here today to help us in this fight  
23 for justice.

24 I live in the North Lake Charles community,  
25 which is a community consisted of different communities;

1 you know, a number of communities within the district of  
2 North Lake Charles. And my name is Lois Booker Malvo. My  
3 occupation is private duty nurse. I was born, raised and  
4 lived most of my life in the Fisherville area of the North  
5 Lake Charles community.

6 As long as I can remember, there has always  
7 been hazardous waste in the North Lake Charles Fisherville  
8 community. There were a pump dump site, cement company,  
9 and the trains that would sit on the tracks day and night,  
10 seven days of the week. They are on the tracks as I  
11 speak. Nothing has changed.

12 When I was a child, we would jump the train  
13 tracks to get to the school. The school was named after  
14 my family, the Washington family. My family owned 80  
15 acres of the land. They donated the land for the school.  
16 Many lost their lives jumping the trains, crawling under  
17 the trains.

18 In 1983, 11,700 gallons of perchlorethylene was  
19 spilled in the neighborhood on both sides of the track,  
20 because at that time, they had a class action lawsuit, and  
21 both sides of the track were included into this class  
22 action lawsuit.

23 Now, today as I speak to you, there's another  
24 class action lawsuit, and they only taking part of the  
25 people in this class action lawsuit. I think that is very

1 unfair. And then, too, I don't really care about class  
2 action suits because it was a lot of abuse done to us.

3 In 1983 the lawyers got all the money. The  
4 people got nothing. They got their rights, their health  
5 rights and all their rights taken from them. I was one of  
6 those people. That is why I sit before you today, because  
7 I want to do something to make a difference. But change  
8 must come.

9 To go on, it was called -- the train  
10 derailment in 1983 was caused from a faulty valve leaving  
11 out of the PPG plant. We were told that there were no  
12 reason to be alarmed. The chemicals would be cleaned  
13 up -- would be cleaned up.

14 I lost my paper. But I'll go on and just talk.

15 But anyway, the chemical was to be cleaned up,  
16 and we didn't have to be alarmed because, you know, it was  
17 a -- the chemical had a long-term health effect. This is  
18 what we were told. And we believed whatever the law told  
19 us, because we -- at that time, most of us were poor  
20 people. We didn't know the law, and I still don't know  
21 all the law.

22 And so we believed in whatever we were told  
23 about this chemical, and so we went on with our lives and  
24 tried to do the best we could, you know, to survive. And  
25 we waited 15 long years passed, and I saw people out

1 drilling and testing the land, and I wanted to know what  
2 was going on.

3 Here come to find out that we were lied to in  
4 1983. The perchlorethylene -- a lot of it was still  
5 present in our community. They disrespected us highly.  
6 They had no consideration for us at all. We have these  
7 trains that are parked there, like I say, 24/7.

8 There is chemicals of all type in the area. We  
9 don't live -- it's an example of a chemical plant to me,  
10 because the chemicals are in -- only difference the  
11 chemicals are in tank cars. But it's almost the same as  
12 living near a chemical plant.

13 We don't know -- we don't have anyone to come  
14 and tell us when chemicals are being emitted in our  
15 community. We could be sleeping at night and maybe  
16 there's a train derailment. We don't know. Lot of times  
17 we had numerous train derailments. Lot of times -- lot of  
18 us knew about it only on TV or by someone telling us in  
19 the neighborhood that they had one last night or whatever.  
20 No regards for us at all.

21 We have homes that are deteriorating. Our --  
22 the homes are not being developed. Instead, homes are  
23 being torn down. I feel as though the City of Lake  
24 Charles has abandoned us. We have crime excelling in a  
25 depressed area, and we are. You can get nothing but

1 corruption and crime excels.

2           We have projects sitting on toxic sites. We  
3 are fighting now about a 56-unit duplex that's about to be  
4 built. All they trying, all they can to build a complex  
5 on toxic site, a school as well. We have lot of health  
6 problems. No one has come and did a health survey or did  
7 blood sampling in our community.

8           It is just like we're living in a third world  
9 country. Where is the American dream? Where is liberty  
10 and justice for all? You know, we don't have any -- where  
11 I live at, I always hear on TV that we are in a all-time  
12 high economically in the United States of America. But  
13 we're not part of that American dream.

14           And I ask you today to please help us in our  
15 community, in all the communities that are here and that  
16 are not here. Please help us in this dilemma. We need  
17 all the help we can get. I feel as though the government  
18 can do more than what they are doing, but some reason they  
19 find it to not to do the right thing here in the State of  
20 Louisiana.

21           And we also have schools, elementary schools, a  
22 matter of fact, little children that are less than yards  
23 away from this chemical dilemma here with the trains on  
24 the tracks, 24 hours, seven days a week. That brings a  
25 fear in my heart, because I see all the time where there



1 is train derailments going on, and I don't know when there  
2 may be a disastrous one that lives will be taken.

3 Across these train tracks, over these train  
4 tracks, we have bridges that are carrying 18-wheelers,  
5 cars and everything else, and I often have a fear of what  
6 if one time one of these -- it'd be a major accident, and  
7 one fall on one of these trains maybe while they moving.  
8 My God, what a disaster that would be. That's a fear to  
9 me.

10 The people in the area, like I say, are very  
11 sick. They have cancer of all kind. You name it, they  
12 got it. The long-term effect is here for us of health  
13 problems. And we also have no economic development at  
14 all. We have no means and ways of our money coming back  
15 to us where we can be a sufficient people.

16 Like everyone else or those that have part of  
17 the American dream, we want it, too. We are considered  
18 American citizens. We desire the good life like everyone  
19 else, the livelihood. And God knows we deserve it as  
20 well. This is America. Would you please help us to  
21 balance the scale of justice?

22 We would like to -- for justice to prevail for  
23 us as well. I'm not here to attack anyone, but those who  
24 are responsible for the problems of the toxic in our area.  
25 We pleading -- I am pleading to you, find God somewhere in

1 your heart to realize that we are human beings. We  
2 deserve a good life as well.

3 I don't want any more pacifier. This is all  
4 that I have been getting is a pacifier. My community has  
5 been getting a pacifier. No more pacifier for us. You  
6 will hear my cry until the day I die, until justice  
7 prevail for us. And all I can say is that I am so glad to  
8 see you all here.

9 Once again, I say please find it in your heart  
10 to please remember that we need all the help we can get.  
11 We also have the chemical, I was told -- there's 20 --  
12 there is 21 tested wells in our area. I was told that two  
13 years ago, the perchlorethylene is not too far from the  
14 Chicot Aquifer. That is our city water system.

15 Everyone in the City of Lake Charles and  
16 everyone everywhere else should be concerned about this,  
17 because this can cause a lot of death, a lot of health  
18 problems. And we just need help very badly.

19 DR. FORD: Thank you, Ms. Malvo.

20 MS. MALVO: Thank you all.

21 DR. FORD: Questions? Okay.

22 MR. MORRIS: Ms. Malvo, my question to you is:  
23 You said the law let you down. Could you define that for  
24 me and tell me how did they let you down?

25 MS. MALVO: Well, I have gone and some others

1 in my community has gone before Legislature to plead to  
2 please help us with the problem of the trains on the  
3 tracks. And we have gone to the city as well. Our  
4 problem is still there all these years. It has never --  
5 no one has never really cared to me, because the problems  
6 is still there. They let us down.

7 They didn't even -- lot of -- you know,  
8 Legislature did come to our community and stuck a pacifier  
9 in my mouth and just said to me that, Well, we would love  
10 to know more about the chemical problems. And that's all.  
11 They never did try to get back in touch with us or  
12 anything.

13 HUD -- we called many times to New Orleans.  
14 HUD is now fixing to help us maybe with housing and other  
15 programs that we never knew that was available to us,  
16 because like I say, our city abandoned us. They knew that  
17 they could help us but they turned they backs on us.

18 We have lost so many young people. I mean, our  
19 young people have no hope. They have killed each other.  
20 Most of our young black men are incarcerated, because when  
21 you have an area that's just at a disadvantage, you're not  
22 going to have anything. There's no hope.

23 Women raising their little kids alone. And  
24 they have rules about housing that it seems to me as  
25 though they got it -- the qualifications only available to

1 the women. The men can't -- the homes are -- the family  
2 unit is being divided. And it's just causing more and  
3 more corruption, I say, because when I was a child coming  
4 up, I had my mama and daddy present, you know. They  
5 worked hard seven days a week, but they were there.

6 It's not like that today. Many young women  
7 raising children alone. They got to work some time two  
8 jobs; some work three. It's hard. So that's why I feel  
9 like the government has failed. The law has failed.

10 MR. MORRIS: As a followup question to that, if  
11 I might, you said that in your statement that the housing  
12 authority was building units or in the process of building  
13 units on a dump site?

14 MS. MALVO: And also built public housing on a  
15 dump site.

16 MR. MORRIS: Has there been any environmental  
17 studies related to the toxicity of the dump sites and that  
18 it is okay to build houses there? Or is that something  
19 that just happened and went by the wayside, and somebody  
20 overlooked that.

21 MS. MALVO: I don't think it was overlooked.  
22 They knew that that was a dump site.

23 DR. FORD: I saw Bill Quigley's hand's next up.  
24 Bill, you have a question?

25 MS. SEICSHNAYDRE: As a followup to that, I

1 just want to get a better understanding of where the  
2 construction is, the HUD -- I assume it's public housing  
3 being constructed. You said 56 units. Have they already  
4 begun construction?

5 MS. MALVO: Well, I see a site where they're  
6 getting ready to -- they're clearing the land, and I hope  
7 to God that's not what they're doing. I hope to God. I'm  
8 going to find out.

9 MS. SEICSHNAYDRE: Have you asked HUD whether  
10 they have done any studies, and have you asked them to  
11 respond to your complaint?

12 MS. MALVO: HUD said that they were going to  
13 look into the matter, and we're trying to get something  
14 done about that to -- you know, to stop it.

15 And I want to add that as I look around in my  
16 community and I'm now -- my eyes are open to what  
17 pollution is all about, and I'm finding more and more  
18 pollution as I go.

19 MR. QUIGLEY: Ms. Malvo, were you here this  
20 morning when Mr. Clifford was here?

21 MS. MALVO: Yes, sir. I was here.

22 MR. QUIGLEY: He painted us a picture of --  
23 that Environmental Protection Agency is doing a awful lot  
24 better job than they used to be doing. Is that your  
25 experience?

1 MS. MALVO: Well, I feel like more can be done  
2 for our area. I mean, we were told that they would be  
3 more chemical -- more monitoring wells added into our  
4 community, but -- and that's been quite awhile, and  
5 there's -- they haven't come back to say anything. I  
6 mean, I call. Sometimes I call, but I got tired of  
7 calling, because I go to the meetings and I voice my  
8 problems.

9 Everyone very much aware of me and my -- and  
10 the problem. I don't feel like I need to keep calling and  
11 making long distance phone calls. My phone call -- my  
12 phone bill right now is \$400. I'm a poor person. But I  
13 thank God anyway, because guess what. He's taking care of  
14 me. My phone is still on.

15 MR. QUIGLEY: What about change. What about  
16 positive change. Has there been any positive change in  
17 this circumstance, this situation?

18 MS. MALVO: No, sir. I'm honestly telling you  
19 no, sir. The things that we -- we need a lot of things  
20 implemented in our community, like blood sampling which  
21 has never taken place. We need more health surveys. We  
22 need our young children, our little kids be educated about  
23 toxic. We need a lot of help, knowledge.

24 MR. MORRIS: I hate to be a mic hog, but I  
25 got -- while I have it, can I ask just one question?

1 DR. FORD: Well, if only --

2 MS. BOURG: Yes, sure.

3 MR. MORRIS: And I'm a novice at this. I'm new  
4 at this, so I don't know. But explain to me if you have  
5 injection -- if you have well testing and air quality  
6 monitoring devices, what happens if -- with the results of  
7 those monitoring -- with the results from those devices?  
8 And if the devices register extremely high levels of  
9 toxicity in the ground or in the air, do you know what  
10 happens? Is there a process to shut stuff down until it  
11 clears up, or is it just to collect the data or the  
12 information?

13 MS. MALVO: They -- from what my knowledge is,  
14 data is being collected and that's about it. Data is  
15 being collected, and that's it.

16 DR. FORD: Ms. Bourg.

17 MS. BOURG: Thank you for your statements to  
18 the committee. I work with a community development  
19 corporation, and some time back we were asked by a  
20 community to help them get housing. And the funds that  
21 they wanted were from Housing and Urban Development --  
22 HUD.

23 And I seem to remember very clearly a site  
24 assessment on environment; that you could not put a site  
25 assessment or put any HUD funds within one-half mile, I

1 believe -- it's some such amount of space like that,  
2 distance like that -- within one-half mile of any known  
3 toxic or environmental impact area.

4 And so I guess that whole community was pretty  
5 much off-limits for the investment of any HUD dollars. So  
6 I guess my question would be: Are you familiar with any  
7 environmental site assessment requirements or regulations  
8 about placement of HUD dollars or investment of HUD  
9 dollars in an area where there's some environmental  
10 impact. Has anyone given you that information?

11 MS. MALVO: No, ma'am. I have not been given  
12 that information by no one.

13 MS. BOURG: Have there been any City of Lake  
14 Charles Parish dollars -- you said, They have abandoned  
15 us.

16 MS. MALVO: Yes, ma'am.

17 MS. BOURG: And that there's no investment in  
18 the area. It would seem that if that's the case that in  
19 fact you can't put HUD dollars where there is  
20 environmental impact that you're going to get a double  
21 whammy.

22 MS. MALVO: Well, we --

23 MS. BOURG: Not only do you maybe have  
24 pollution there, but you may be precluded if in fact they  
25 live up to their regulations for the placement of



1 investment of HUD dollars in those areas where is that  
2 pollution. Are there any CDBG -- Community Development  
3 Block Grant dollars been invested out in Fisherville or  
4 around that area at all?

5 MS. MALVO: Not to my knowledge, ma'am. One or  
6 two homes get maybe improved. My home was one that got so  
7 say improved, but that was about, oh, 1995. My home is  
8 falling down. There's nothing being done. I'm serious.  
9 There's nothing.

10 DR. FORD: Our Recorder -- let me just go back,  
11 because we didn't announce who was asking questions. The  
12 order was -- I think it was Morris -- you do have those?

13 THE REPORTER: Uh-huh.

14 DR. FORD: Great. Okay.

15 Are there any other questions? Yes. Ms.  
16 Parks.

17 MS. PARKS: Thank you. Ms. Melvo, you talked  
18 about the tank cars and your concerns. Have you -- are  
19 there any lines of communication open. Have you been able  
20 to sit down across the table with some of the industry  
21 people to discuss this? Is there any scientific data as  
22 to, you know, what is in the tank cars, how long, and why  
23 are they there?

24 MS. MALVO: Well, I did go to a conference one  
25 time at PPG and, you know, voiced my concerns. But then

1 all they do is just hear what I got to say and no action  
2 is taking place.

3 MS. PARKS: Thank you.

4 DR. FORD: Yes. Ms. Madden.

5 MS. MADDEN: Okay. Ms. Malvo, would you  
6 identify the industries that you think have had an adverse  
7 impact on your community?

8 MS. MALVO: Well, I can tell you, ma'am, every  
9 last one if you ask me, because all industry -- they are,  
10 like I said, our community is a storage area of chemicals  
11 that's coming out all the plants. And they are constantly  
12 adding train tracks. As the plant expands, the train  
13 tracks expand. The tank cars multiply.

14 And we have -- I don't know when it's going to  
15 be, but I believe they going to be almost in people yards,  
16 because like I say, the homes and the schools are within  
17 yards from the tank cars and the railroad.

18 MS. MADDEN: Have you made any complaints to  
19 these specific industries, directly to the industries?

20 MS. MALVO: I have, but if I could get to go  
21 and talk with them to let them know that we, in our  
22 community, would like for them to come and be accountable  
23 for the action of these trains -- tank cars, and be, you  
24 know, if we could come together and communicate one on one  
25 with the community.

1 Not a class action lawsuit, because that's pure  
2 abuse. We have been through it numerous times. And we're  
3 still left in the same situation. Worse, because each  
4 time they take more and more and more from us. Our health  
5 and everything else is not even being noticed or cared  
6 about.

7 DR. FORD: More questions from the committee?  
8 If not, thank you, Ms. Malvo.

9 MS. MALVO: God bless. God bless all.

10 DR. FORD: Thank you.

11 Our next presenter is Mr. Edgar Mouton. He's  
12 president of the Mossville Environmental Action Now.

13 Mr. Mouton --

14 MR. MOUTON: Yes, sir.

15 DR. FORD: -- I'm going to ask you to hold the  
16 microphone fairly close to your mouth. And if you'll  
17 start by giving us your name and your affiliation; your  
18 organization you're associated with for the record.

19 MR. MOUTON: Okay. All right. My name is  
20 Edgar Mouton, Jr., and I'm the president of the Mossville  
21 Action -- Environment Action Now, Incorporation, group.  
22 And I would like to thank the staff for being here and  
23 allowing me to say whatever -- what I feels and what has  
24 been said already from the other peoples.

25 I was born and raised in Mossville, and I lived

1 to see a lot of changes. Matter fact, I retired from one  
2 of the local chemical plants, and I know a lot of problems  
3 that we're having come from the plant. But our agencies  
4 doesn't believe that it do.

5 We -- like I say, I was here when the plants  
6 were first beginning; when they was first being built.  
7 And the problem that we having now that we didn't have  
8 back in those days, so the plant's got to have a mental  
9 effect or health effect on our community as we speak.

10 And I would also like to say in the process --  
11 something wrong here.

12 MS. BOURG: It's okay. It's okay.

13 MR. MOUTON: Okay. Okay. So through all of  
14 that, the support that we felt that we should have had  
15 have gotten from our government agency has been very,  
16 very, very, very lax. It seems to be every time they come  
17 to Mossville, I called it a bees' gathering, because  
18 that's all it is; just complaining or who going to do this  
19 and who going to do that.

20 And the peoples in the community have really,  
21 really have got tired of the meeting and nothing has being  
22 done. We -- myself, I've only been involved into this  
23 environmental group about two years, and out of the two  
24 years, we have written numerous of letters to our  
25 government agency for help to come give us some help or

1 give us some pointers or what we can or what needs to --  
2 we know what needs to be done, but what we know and want  
3 to be done, they don't want to do it.

4 And that seemed to have been the problem all  
5 the way. For instance, last night I got a call from Mr.  
6 Tom Unchane [phonetic] that he wanted to have a meeting  
7 with the group in Mossville and the other leaders. So it  
8 was not supposed to be nobody there but eight peoples.  
9 Myself is one of the eight people.

10 And when I got to the building last night, I  
11 wind up with 40 or 50 people. So I asked this question:  
12 Where are these peoples coming from? There was a cap  
13 board. There was industry, and coming into the community,  
14 which we was not prepared for, didn't want them there  
15 because we wasn't prepared for them. But they came.

16 So this morning Mr. Chang -- Tai Chang, called  
17 me. He said, Mr. Mouton, what -- I'm not responsible for  
18 what happened at the meeting last night. Well, I say, who  
19 is? To me, it was embarrassing. It was embarrassing to  
20 me, embarrassing to my community because we, like I say,  
21 we was not prepared for them and we didn't have no idea  
22 that they was coming.

23 And the thing about it, nobody knows who  
24 invited them. But the peoples that he called was myself,  
25 Ms. Pat Hardman, Ms. Deborah Ramirez, Mr. Charlie

1 Alherton, and a couple more people. But yet and still,  
2 all of these people shows up, and I want to know why.  
3 Nobody can tell me why they was there.

4 So this is the kind of stuff that we have been  
5 putting up with the agency ever since I've been involved  
6 in and through this environmental stuff. And this meeting  
7 that we have been trying to have a technical and legal  
8 meeting with the agency for at least a year. And that  
9 meeting has never come about.

10 They always -- there's some technicality.  
11 There's some reason or another why this meeting will never  
12 take place. But yet today we still wants to have that  
13 meeting. And the sooner we have that meeting, hopefully  
14 that we can start moving forward with something definitely  
15 that we feel that our community can feel that something is  
16 going to be done.

17 It's been a lot of, lot of, lot of jaw-jacking,  
18 and they come to ask us what do we want or what can we do.  
19 It's not what we can do. What we want you all to do.  
20 They put it in our hands as though that we have power to  
21 do whatever is necessary to be done.

22 We have asked for work groups. They brought  
23 they own in. We wasn't satisfied with them, so we didn't  
24 want them. So we put our own work group into action, and  
25 ever since then, we been having problem. That work group

1 has not started yet, and we is still looking forward for  
2 the work group.

3 And I tell you something else that we have put  
4 up with, like I said, last two years is they tell us one  
5 thing and then do just the opposite. Now, since we went  
6 to Atlanta to the NEJAC meeting, now, they had supposed to  
7 have got in touch with us with a work program. They did  
8 not.

9 But all of a sudden, the first part of this  
10 week, we gets a call from our government agency wants to  
11 meet with us. Why? Because we are having this meeting  
12 here today. That's why they wanted to get in touch with  
13 us. But all before that, no, they didn't want to get in  
14 touch with us, because they didn't have nothing to offer.  
15 And they still don't, but these things that they are doing  
16 today is just made-up, junked-up program that once y'all  
17 leave, that's going to be the end of it.

18 And until they put some reinforcement into the  
19 existing laws that make industry clean up their stacks and  
20 make industry clean up their ground and make industry do  
21 some kind of medical help for my community. And they can  
22 do it if they be forced to do it.

23 But seems as though politics, I feel strongly,  
24 that stays in the way, because as Mr. Smith and Ms.  
25 Monique said earlier, we cannot get any help from our

1 state and local government; none whatsoever. We have  
2 tried to get our police jurors involved into our program  
3 to give us some type of assistance. They won't touch us.  
4 They won't return a call, they won't return a letter or  
5 anything of the kind.

6 But some of the things that has been done, a  
7 lot of it is work that we have did on our own. We've  
8 contacted various peoples across the country for support,  
9 and we have gotten that support. But it's not from our  
10 home state elected officials that we feel that could be a  
11 lot of help to us.

12 So that's one of the reasons why we believe and  
13 truly that our local government is our -- part of our  
14 stumbling block. And we has peoples in the community that  
15 is sick and needs help. It's no if and and about it.  
16 There's a gentleman -- somebody mentioned it earlier --  
17 he's 52 years old today, but he started out working in the  
18 industry ten years ago, and today he cannot get out of  
19 bed. He is bedridden. He has to be waited on hands and  
20 feet. He can't do nothing for his self.

21 But nobody -- nobody wanted to take the  
22 initiative. He's one of the peoples that was tested of  
23 the -- I know y'all heard about the 28 peoples that was  
24 tested in Mossville. He's one of those 28. And -- but  
25 and there is other peoples that has a very high level of



1 dioxin in his system. Nobody not doing anything for them.

2           They are not concerned about -- if they would  
3 be concerned about them since last year, they would be  
4 done worked out some kind of program to help them or  
5 consult them or some kind of medical help. And most of  
6 the -- lot of our peoples that lives in Mossville and  
7 elder peoples. They are my age and older that's been  
8 there all their life. They hasn't been -- ever been  
9 anywhere else.

10           And then there was has younger peoples there  
11 that wants to be relocated. But the elder people do not  
12 want to hear of anything of that nature. But the folks  
13 that wants to be relocated, we would like to see them be  
14 relocated, even at the industry expense. That's where we  
15 would like to see the expense come from for the folks that  
16 like to be relocated.

17           And not only that, myself, I have a health  
18 problem. I has a bleeding kidney. Been bleeding for the  
19 last three, four years, but I know I wasn't born that way,  
20 and it didn't happen while I was working, but it happened.

21           And I'm sure y'all may not have heard of the  
22 Princes. That entire family -- entire family -- is --  
23 they have -- the girls have endometriosis. The mother has  
24 cancer. The father has a kidney problem and he have  
25 developed cancer. And his son, he got kidney problems.

1 But -- and that's only some of the problem that is out  
2 there in that area.

3 We even had the -- our state health peoples  
4 came down and did a health survey, and they're supposed to  
5 got back with us in three months. We haven't heard  
6 anything. We haven't heard anything. And see, this is  
7 the kind of stuff that we put up with daily.

8 Whenever they do decide to meet with us, it  
9 just bitch, bitch, bitch, bitch. That's all the meetings  
10 is about. I know myself I be so frustrated when I come  
11 out of one of them meeting, it feel like I been working  
12 all day.

13 And -- but yet and still, they try to dress it  
14 up. We going to do this, Mr. Mouton. We going to do  
15 this, Mr. Mouton. We going to do that. But once they  
16 walk out that door, that's the end of that until somebody  
17 with some strength can do something -- make them do  
18 something, then they're ready to meet with you.

19 But otherwise than that, they has all kind of  
20 stall tactics that they do, and that is a regular, regular  
21 thing. And I really don't feel that the two years -- two  
22 years and something that I been involved in this thing --  
23 I don't feel like we has accomplished a thing. But --  
24 nothing but promises. Nothing but promises.

25 DR. FORD: Mr. Mouton, why don't we have some

1 questions from members of the committee, and you can  
2 continue to give us more information.

3 MR. MOUTON: Okay.

4 DR. FORD: Let's start with Dr. Wright.

5 DR. WRIGHT: Yes. Mr. Mouton, could you give  
6 me -- I have two questions. Could you give me just a  
7 little bit more information on the meeting that you were  
8 supposed to have with EPA Region VI. Who called it and  
9 what did they say the topic of discussion was going to be?

10 MR. MOUTON: Last night?

11 DR. WRIGHT: Yes.

12 MR. MOUTON: Mr. Tom Unchane called me first  
13 and he said, Mr. Mouton, I'm going to be meeting with the  
14 police jury Monday. Could we meet with the head peoples  
15 in Mossville of your various organizations; of myself, Ms.  
16 Hartman, and we have the awareness group and we has -- oh,  
17 Helping Hands group.

18 We're -- actually, we got about five groups in  
19 the area. And these are the peoples that was supposed to  
20 meet -- excuse me -- with Mr. Tom Unchane last night.  
21 These are only those peoples. Nobody else. And when I --  
22 well, they had it at my church, so I opened the church up  
23 at five o'clock because I was asked to be there a little  
24 early by Mr. Arthur. He thought he would get in earlier  
25 enough, but he didn't.

1 But in that process -- well, people didn't  
2 really start coming till about a quarter to 6:00 and the  
3 meeting is supposed to start at six o'clock. So after  
4 that, all these other peoples, I'm saying to myself, where  
5 in the world is these peoples coming from? So we wound up  
6 with about 40, 50 peoples there last night.

7 DR. WRIGHT: Did you have a meeting last night?

8 MR. MOUTON: Well, we had a discussion with  
9 what -- one of the gentlemen that works with industry  
10 about air monitoring, well, he came to me and said, Well,  
11 Mr. Mouton, why not let's go and get started because Mr.  
12 Tom Unchane -- don't look like he's going to get there.  
13 He going to be late, and whenever the government peoples  
14 come, well, we ought to just let them take over.

15 So I said, Okay, since you know about this air  
16 monitoring. So -- and so he did after we started out, so  
17 the government man came in and then he immediately took  
18 over. But the point is that I'm making is what they did  
19 to us last night is the way they do to us all the time.

20 We -- they will not allow us to organize a  
21 meeting that we feel that we should be in control of. If  
22 they're not in control, they do not want to come to our  
23 community.

24 DR. WRIGHT: This is a followup; sort of a  
25 related question which has to do with the working groups.

1 If I understand this correctly, a number of working groups  
2 were set up and presented to the community.

3 MR. MOUTON: Right.

4 DR. WRIGHT: The community then responded by  
5 saying that they wanted to add or alter some of the  
6 working groups --

7 MR. MOUTON: Yes.

8 DR. WRIGHT: -- wanted a few different ones --

9 MR. MOUTON: Right.

10 DR. WRIGHT: -- somehow structured differently.  
11 What have you -- and I understand you to say you've not  
12 had any working groups. What was the official response  
13 from EPA to your suggestion about adding working groups or  
14 modifying the working groups that they had put in place?

15 MR. MOUTON: They really didn't give us one,  
16 but I tell you what. We wrote them a letter in June  
17 1999 -- I mean, July 6 of that -- describing the work  
18 group that we wanted to put in place of the groups that  
19 they had. Until this day --

20 DR. WRIGHT: No response?

21 MR. MOUTON: -- those groups has not been  
22 established. When Mr. Tomei-Torres was working with us,  
23 we had them almost ready to be put in place. And all of a  
24 sudden they pulled the rug out from under me.

25 DR. WRIGHT: So you've had no official response

1 to your requests --

2 MR. MOUTON: No.

3 DR. WRIGHT: -- for additional modified work  
4 groups?

5 MR. MOUTON: No.

6 DR. WRIGHT: And the work groups that they were  
7 trying to put in place have not been put in place?

8 MR. MOUTON: No.

9 DR. WRIGHT: Thank you.

10 VOICE: May I add something to that?

11 MR. MOUTON: In the process of that, the work  
12 group, which I see that what they are trying to do now --  
13 they are intending on putting their work groups in,  
14 regardless whether we want them or not. But they do them  
15 as the individual, as their thing, and then they want to  
16 invite the community to attend these work groups.

17 So they're still trying to put in their work  
18 group, but the way that they want to do it is going around  
19 the community.

20 DR. FORD: Ms. Bourg has a question.

21 MS. BOURG: Thank you, Mr. Mouton, for your  
22 statements. You mentioned at the meeting that there were  
23 people present who were from the Cap Board and industry.

24 MR. MOUTON: Yes, ma'am.

25 MS. BOURG: Is that the community action agency

1 program board? What's the Cap?

2 MR. MOUTON: That's a board that industry has  
3 established with different peoples from the various  
4 community to form this board. And what they do, they --  
5 the -- those community peoples relate to industry what  
6 they feel is going on into the -- in the various  
7 neighborhoods.

8 Now, what they do in the process of after they  
9 give them this information, I don't know. I've never been  
10 a Cap board member, so I do know that they meet every  
11 three months, I think, every quarter or something to that  
12 point.

13 DR. FORD: My assumption is that these are the  
14 community advisory panels, they're called, as part of  
15 CMA's responsible care?

16 MS. BOURG: Oh, thank you.

17 THE WITNESS: Yes.

18 DR. FORD: There's a question. Roberta Madden,  
19 please.

20 MS. MADDEN: Just a quick one, Mr. Mouton.  
21 Could you specifically identify the industries that you  
22 had problems with by name; and have you made complaints to  
23 those industries, and if so, what was the response?

24 MR. MOUTON: Condea Vista and Conoco and PPG,  
25 which is the one that we have always have filed complaints

1 on, because they are one of the biggest polluters out  
2 there.

3 DR. FORD: Ms. Richardson has a question.

4 MS. RICHARDSON: Good afternoon, Mr. Mouton.

5 MR. MOUTON: Good afternoon, Ms. Richardson.

6 MS. RICHARDSON: What do we say down this way,  
7 Long time no see? Well, listen, I really would not have  
8 had a question except when Ms. Bourg raised her question  
9 about the regular community action -- I don't know what  
10 you call it now -- but those agencies?

11 MR. MOUTON: Yes.

12 MS. RICHARDSON: Does one still exist in this  
13 area?

14 MR. MOUTON: Yes. Conoco has one --

15 VOICE: Community action agencies.

16 MS. RICHARDSON: No, sir. They used to call it  
17 Gulf Assistance Program when I was here -- that kind of  
18 thing. A community action agency. Is there such a thing  
19 now in the community to --

20 MR. MOUTON: The police jury is our control  
21 governing body in our area.

22 MS. RICHARDSON: Well, then a followup to that,  
23 Dr. Ford?

24 DR. FORD: Yes.

25 MS. RICHARDSON: Are they involved at all in



1 the efforts of your organization in the Mossville  
2 community?\_ .

3 MR. MOUTON: No, ma'am. We cannot -- anything  
4 with environmental, we cannot get no response, no help, or  
5 no support. Now, I wrote to my congressman, Congressman  
6 Breaux. I got two response from him. Always if I can be  
7 any help to you, let me know, if.

8 Now, I -- we have wrote letters to the entire  
9 policy jury board for some type of support or help. We  
10 has never got a response from that body. For some reason,  
11 and any other environmental group here, because I will  
12 have -- we have talked about this -- why the policy jury  
13 do not give them environmental group no kind of support in  
14 this area.

15 So that make us -- lead us to believe that some  
16 reason, they do not want to get involved in these  
17 community environmental group. And which I feel that they  
18 should and they could. I'll tell you what. I've been  
19 pretty active in my community for quite a number of years,  
20 since I was 17. And in my community, there are  
21 approximately about 160 dirt pits, and I fought them tooth  
22 and nail for years and years and years not to dig those  
23 dirt pits in my community.

24 And not only -- and they had the audacity to do  
25 it -- haul that dirt out of there 24 hours around the

1 clock, disturbing the neighborhood. You know what they  
2 call it? The case of our progress. But it's not a one of  
3 them suckers on that board would allow that kind of  
4 business to be in their neighborhood.

5 But that is what we put up with in our  
6 community. They do what they want or when they want, and  
7 they don't feel that we should have no say-so about  
8 anything.

9 MS. RICHARDSON: Sir, had you considered --  
10 there's always a way to get on an agenda of a public body.  
11 Has your organization considered forcing it into the  
12 public as opposed to writing them letters, which they  
13 ignore. Had you considered following procedures for  
14 getting on an agenda and therefore letting some sunshine  
15 onto your concern?

16 MR. MOUTON: Not indirectly, no. No. I have  
17 talked to my police jury one on one, and they has been  
18 advised not to by his president, which is -- I mean, which  
19 is the governing body. Now, why I still don't know, and I  
20 would like to really know why.

21 MS. RICHARDSON: Thank you, sir.

22 DR. FORD: Now, we have to be careful with our  
23 language. Suckers is not a very good term.

24 MR. MOUTON: Okay. Excuse me.

25 DR. FORD: Other questions?

1 Mr. Mouton, thank you for your comments.

2 MR. MOUTON: You're welcome.

3 DR. FORD: Is Ms. Elizabeth Teel in the  
4 audience? Ms. Teel, the supervising attorney for the  
5 Tulane Environmental Law Clinic.

6 Before we start the presentation, could we have  
7 you introduce yourselves?

8 MS. TEEL: Good afternoon. My name is  
9 Elizabeth Teel. I'm supervising attorney with the Tulane  
10 Environmental Law Clinic. The clinic is a nonprofit  
11 public interest clinic that provides representation to  
12 individuals and community groups, including minority  
13 communities that are concerned about environmental  
14 situations in their community.

15 The clinic also provides legal training to  
16 third-year law students. I'm going to have one of those  
17 students here with me today that I'd like to introduce to  
18 the commissioners -- Elizabeth Alderman.

19 We have filed four Title VI complaints on  
20 behalf of minority groups in Louisiana over the years.  
21 And I wanted to take our time to point out more of a broad  
22 picture of the situation in Louisiana today as the  
23 residents and the members of Greenpeace and Earthjustice  
24 have well represented or presenting well to you the  
25 situation here in western Louisiana.

1 I want to show a two-minute videotape taken by  
2 the residents of Oakville, Louisiana. We filed a Title  
3 complaint on their behalf with EPA Office of Civil Rights  
4 regarding an enforcement problem there. DEQ, despite a  
5 history of numerous violations at this facility over a  
6 more than ten-year period, has refused to take any  
7 enforcement action against this facility.

8 And I just want to show you this quickly, and  
9 as you can see, this landfill is immediately next to this  
10 minority community. It's 100 percent African-American,  
11 and when you see the seagulls, also know that there are  
12 rats and flies and roaches that are attracted to the  
13 landfill as well.

14 I did not realize until -- I think I'm too far  
15 away -- I didn't realize until yesterday -- thank you. I  
16 didn't realize yesterday that no one from Oakville was  
17 going to be here to speak to you. So just wanted to take  
18 a minute to show you this.

19 (Whereupon, the videotape was played.)

20 MS. TEEL: The footage that you just saw was  
21 taken in 1996. Actually, absolutely nothing has changed  
22 in that community. You can go down there today and see  
23 the same situation. We are currently still awaiting EPA  
24 action on their Title VI complaint, and we have a state  
25 court lawsuit, based upon this situation. That footage

1 was shot from the Oakville community.

2 I was perusing the '93 report and looking at  
3 the testimony of another representative from the  
4 Environmental Clinic in 1992, Professor Bob Kuen  
5 [phonetic]. And frankly, I would just reintroduce all of  
6 the testimony from 1992, because nothing has changed since  
7 you all were last here, hearing about this situation, at  
8 least with regards to most of those communities that you  
9 analyzed at that time.

10 I'm going to turn the floor over to Ms.  
11 Alderman right now to show a brief Powerpoint  
12 presentation. We chose to focus on one community that  
13 y'all looked at back in 1993 -- the community of Alsen,  
14 where the community not only has not improved since y'all  
15 were here, but has actually gotten worse since you last  
16 sat down to hear this testimony.

17 MS. ALDERMAN: I thank you for having us up  
18 this afternoon. We had a map of the industrial corridor  
19 next to the presentation. The red flag is where the Alsen  
20 community is located. It is a nonincorporated,  
21 predominantly African-American community in northeastern  
22 Baton Rouge at the mouth of the industrial corridor.

23 (Whereupon, slides were shown.)

24 MS. ALDERMAN: The title of the presentation  
25 today is Environmental Justice in Louisiana. The air's

1 not the only thing that's stagnant. I'd just like to  
2 reiterate that we feel as though we not just dealing with  
3 air pollution problems here. We're dealing with federal  
4 and local government agencies that are remaining stale on  
5 these issues. They're not addressing them, and they're  
6 not taking action.

7 I'm sure you're all familiar with the EPA's  
8 Office of Environmental Justice. Definition,  
9 environmental justice. Three key points here are: that  
10 environmental justice brings in race, color, and income or  
11 poverty. It also brings in disproportionate impact as it  
12 affects those groups.

13 This is not just a concept as we've discussed  
14 throughout most of the morning. Issues have been  
15 addressed in laws and regulations. For instance, the Code  
16 of Federal Regulations states -- prohibits any recipient  
17 of federal assistance from U.S. EPA from using  
18 discriminatory or seemingly discriminatory criteria when  
19 administering, permitting, implementing, and foreseeing  
20 or locating a program or activity.

21 The U.S. Supreme Court has also held that that  
22 discriminatory criteria does not to be determined on  
23 intent. It can be a discriminatory effect or impact, and  
24 that's 15 years of jurisprudence, so if it simply has the  
25 impact of discriminating, then a Title VI investigation is

1 appropriate.

2 U.S. EPA has promised documents to guide  
3 investigations, allegations in environmental justice.  
4 This year they are accepting final comments on a guidance  
5 documents for permits alone. However, they have not  
6 addressed the issue of enforcement or intimidation by  
7 local DEQ officials, and they have not set dates to  
8 provide such documents for Louisiana.

9 And as I stated, despite these efforts,  
10 environmental justice has not adequately been addressed in  
11 Louisiana. Minority and low-income communities are  
12 continually disproportionately affected. EPA has not  
13 adequately addressed environmental justice concerns in  
14 Louisiana.

15 We see in a department environmental quality  
16 has facilitated environmental injustice in its own state.  
17 Furthermore, the governor of Louisiana has adamantly  
18 denied the issue of environmental injustice even exists in  
19 his state.

20 These next few slides just provide some  
21 statistics on African-American populations in the state,  
22 specifically focusing on eastern Baton Rouge and the Alsen  
23 community. And as you can see, the United States is 12.8  
24 percent African-American. Louisiana is 32.4 percent.

25 East Baton Rouge is 38 percent. Within eastern

1 Baton Rouge the small unincorporated community of Alsen is  
2 99 percent ~~African~~. African-American. The location of  
3 African-American populations in Louisiana, 48 percent of  
4 the African-Americans in Louisiana live within the  
5 industrial corridor, which is this darkened area on the  
6 map next to the screen.

7 Thirty-four percent live within a three-mile  
8 zone, which is right outside that heavy line. As a  
9 comparison point, less than 10 percent of the white  
10 population in Louisiana resides in the industrial  
11 corridor. So we're talking about a high percentage of one  
12 particular racial group living in a heavy industrialized  
13 area.

14 The average toxic air emissions per person for  
15 a year in the United States is about eleven pounds. For  
16 Louisiana it's about 18, and for the industrial corridor  
17 parishes it's about 26. However, people living in the  
18 Alsen region -- they're exposed to over 642 pounds of air  
19 toxic emissions per person per year.

20 Furthermore, 12 of the -- 12 regulated air-  
21 emitting -- toxic air-emitting facilities are located  
22 within the same zip code as Alsen. There are actually 65  
23 regulated facilities with the same zip code. Those other  
24 include Superfund sites and landfills.

25 The average toxic air emissions per square mile



1 for the United States is 412. For Louisiana it's about  
2 1,800. For the industrial corridor, about 3,200. For  
3 East Baton Rouge Parish, we're looking at 18,000 pounds  
4 per square mile per year.

5 Some of the practical implications of this:  
6 East Baton Rouge ranks in the top 20 percent of 2,120 of  
7 the worst counties in the United States for toxic air  
8 releases. East Baton Rouge ranks fifth in Louisiana.  
9 Some of the first ones are Ascension Parish and St. James  
10 Parish, which are also right along the industrial  
11 corridor.

12 In eastern Baton Rouge, about 380,105 people  
13 face a cancer risk 100 times the goal set by the Clean Air  
14 Act. We feel this is unacceptable.

15 Poverty and unemployment play an important part  
16 in the environmental injustice issue in Louisiana.  
17 Industry, especially new industry, like to state that  
18 they're going to bring new jobs to economically depressed  
19 communities.

20 However, most people in low income minority  
21 communities do not possess the educational requirements or  
22 technical training to compete for these jobs. The staff  
23 director of the Louisiana Board of Commerce and Industry  
24 admits that very few of the jobs created by new  
25 industry -- this was stated during the Shintech

1 controversy -- will go to local residents, due to lack of  
2 technical training. Industries tend to bring in their own  
3 people.

4 Myth 2: New industry claims that they're going  
5 to bring economic benefits to low income communities. The  
6 reality is Louisiana corporate tax exemption structure for  
7 industry costs local residents billions of dollars. For  
8 instance, in 1995 an industrial corridor parish school  
9 system lost over \$4 million due to the industrial property  
10 tax.

11 Money offered to low income communities by  
12 industry for support under the guise as aid for economic  
13 development is generally written off by industry as a  
14 charitable donation. That money's not going to the  
15 people.

16 The average poverty levels of the  
17 populations -- U.S., about 13.2 percent. Louisiana is  
18 well above the national average with 18.6 percent.  
19 Eastern Baton Rouge is along the same lines, Louisiana.  
20 However, if you look in the community of Alsen, the  
21 poverty level is about 33 percent.

22 Unemployment for the areas. The national  
23 average is 4.2 percent with Louisiana ranking slightly  
24 higher at over 5.1 percent. East Baton Rouge is lower.  
25 There are several considerations to take into play there,

1 considering there are several white affluent neighborhoods  
2 in the parish. However, when you look at African-  
3 Americans in eastern Baton Rouge, 7.3 percent of that  
4 population is underemployed.

5 So how has U.S. EPA addressed or failed to  
6 address the environmental justice issues in Louisiana?  
7 First of all, they have taken no action on 28 Title VI  
8 complaints, six of which are pending in Louisiana,  
9 including one filed for the Alsen community which I have  
10 just handed out to each of you.

11 They have graciously responded they have  
12 received these complaints, but no action and no response  
13 has been given. They haven't been timely in providing  
14 guidance for investigations of Title VI complaints. A  
15 determining document, which is in its final stages, may  
16 not even be out before the end of the year.

17 Furthermore, there are no documents coming out  
18 for intimidation allegations or environmental justice as  
19 far as investigations into other Title VI complaints. DEQ  
20 is our state agency responsible for environmental  
21 protection in Louisiana. Louisiana Attorney General  
22 Richard Ieyoub has stated that environmental protection is  
23 all about justice.

24 It's about the right and ability of people to  
25 be able to participate in a meaningful way in decisions

1 which affect their health, their neighborhoods, the  
2 character of their communities, and the scenic, historic,  
3 and aesthetic aspects of the environment.

4 And an essential element in environmental  
5 justice is the right to counsel, legal representation, and  
6 the right of the poor and minorities to have access to the  
7 courts and regulatory agencies. This is the duty of our  
8 state agency in order to be the agency in control of  
9 environmental protection.

10 However, DEQ has facilitated environmental  
11 injustice. By permitting in minority and low income  
12 communities, they failed to adequately enforce  
13 environmental laws and regulations and they've engage in  
14 intimidation practices to quiet citizens from speaking out  
15 about environmental concerns in their communities.

16 DEQ continues to issue new permits or reissue  
17 permits in minority or low income communities. In a  
18 three-month period of July 1, 1999, from September 30,  
19 1999, DEQ issued or reissued 17 permits in eastern Baton  
20 Rouge alone.

21 DEQ's own report noticed the Kearney report.  
22 It was an audit they had a title party make on their -- on  
23 how they were doing within enforcement issues stated that,  
24 Citizens are not adequately being involved, were being  
25 made to feel important or part of the permitting decisions

1 in the regions. This is coming right out of the DEQ  
2 themselves.

3 DEQ has failed to take adequate enforcement  
4 measures against state polluters in minority and low  
5 income communities. The 1998 U.S. EPA report that we  
6 heard about earlier stated that DEQ is not collecting  
7 penalties to deter noncompliance in a significant number  
8 of enforcement actions.

9 And furthermore, the DEQ is not identifying  
10 violations appropriately and is not following up on all  
11 violations. The Kearney report states -- this is the  
12 DEQ's own report -- Many enforcement activities do not tie  
13 directly to improvements in the environment.

14 A question here is what do they tie directly to  
15 if they're not to the improvement of the environment? And  
16 to make matters worse, the DEQ has recently had a rule  
17 enacted that allows polluters to pay for environmental  
18 projects rather than pay a cash fine for violating the  
19 law.

20 So we're looking at industries that are  
21 continually violating laws in these areas and now they can  
22 get away with it by promising to plant a few trees  
23 somewhere. It's not helping the situation.

24 DEQ has engaged in intimidation practices to  
25 quiet those members of minority and low income communities

1 who oppose their actions. On May 11, 1998, the DEQ  
2 official is officially asked to excuse himself from a  
3 community meeting in which she was uninvited for engaging  
4 in destructive and abusive behavior, calling attendees of  
5 the meeting ignorant and idiots.

6 Minority community was compelled to file a  
7 motion to recuse DEQ officials from proceedings involving  
8 Shintech after documenting over 58 instances where DEQ  
9 members and affiliates engaged in seemingly biased and  
10 prejudicial actions. Again, DEQ is not listening to the  
11 communities they say they're there to protect.

12 The final statement of the Kearney report  
13 states, The DEQ is generally reactive rather than  
14 proactive in protecting and enhancing the environment.  
15 That, to me, is an obvious example that DEQ is not  
16 addressing the issues up front. They're waiting for these  
17 communities to be impacted before they're even attempting  
18 to take action.

19 We also have a governor who denies  
20 environmental injustice exists in this state. When asked  
21 if poor and black residents enjoyed a right to legal  
22 counsel to bring environmental justice claims, he replied,  
23 Let them use their own money; not Tulane's. He was  
24 referring to the legal representation provided by Tulane  
25 Environmental Law Clinic.

1           In stating this, he was failing to consider the  
2 poverty levels and unemployment rates that I have just  
3 shown you. Furthermore, under the ABA model rules for the  
4 legal profession, legal representation should not ever  
5 denied to people who are unable to afford legal services.

6           And as an aside, Governor Foster is attending  
7 law school now, so maybe he will be up on these rules  
8 soon.

9           The governor on environmental justice has also  
10 said that environmental justice is the world turned upside  
11 down. When you take the issue of environmental racism and  
12 never bring industry into an area that's economically  
13 depressed, here he has failed to consider again that  
14 Louisiana has over 340 industries that are regulated state  
15 polluters, and that 10 percent of those facilities are in  
16 East Baton Rouge.

17           I don't believe that Alsen is in need of  
18 further pollution. So as a conclusionary note, I would  
19 just like to state that since the 1990 report by the  
20 commission, Louisiana continues to be a state that is  
21 disproportionately impacted by pollution, especially among  
22 its minority and low income communities.

23           The federal EPA, the Louisiana Department of  
24 Environmental Quality, and the governor have not addressed  
25 environmental justice in Louisiana. And until such time

1 as these issues are addressed, environmental injustice  
2 will continue harming its minority communities.

3 DR. FORD: Thank you, Ms. Alderman.

4 Questions from the committee?

5 Had you completed?

6 MS. TEEL: I just wanted to say one brief thing  
7 in closing. As I think you're aware, the Environmental  
8 Clinic did file a Title VI petition on behalf of the  
9 minority community in Convent, Louisiana, regarding the  
10 Shintech matter, and there was obviously a lot of  
11 controversy and as a one of the results, in addition to  
12 stopping Shintech from locating there, was that the  
13 government and industry pressured the Louisiana Supreme  
14 Court to amend the student practice rule.

15 I don't want to make this about what was going  
16 on with the Clinic, but I do want to note that again,  
17 compared to the situation in 1992 when you heard  
18 testimony, today it is much harder for us to provide free  
19 legal representation to these very minority communities  
20 that are in more need rather than less as compared to the  
21 last time you sat here and heard testimony.

22 DR. FORD: Again, thank you.

23 MS. BOURG: I have a question.

24 DR. FORD: Okay. Ms. Bourg.

25 MS. BOURG: Well, thank you for your testimony.



1 Can we get a copy of that Powerpoint?

2 MS. ALDERMAN: I have given them one.

3 MS. TEEL: You've got one.

4 MS. BOURG: Anger at real or perceived  
5 injustice takes many forms. We have seen it, I think, in  
6 - previous testimony exhaust people and bring them nearly to  
7 tears. In your case, perhaps it's taking a different  
8 expression. I'd like to explore a little bit your  
9 statement that because of the rule in the state, now  
10 industries can basically pollute and plant a few trees.

11 And I'm a little confused, because I read in  
12 the paper -- I guess it was this morning or recently --  
13 that there's \$1.5 million that the industry is putting  
14 forward to put monitoring equipment out in over three  
15 years.

16 And I guess my question is: I'm confused,  
17 because what is it that we want them to do if they've done  
18 something wrong? Do we not want them to step to the plate  
19 and take part in putting some money forward to do it; and  
20 yet when they do that, are we then to look at the  
21 industries as totally suspect, though there may be history  
22 and a reason for you to do that.

23 And so I ask this in all honesty. What is it  
24 that you want?

25 MS. TEEL: Well, a fundamental principle of

1 environmental regulation is that when a company violates  
2 environmental laws that they should not profit from that  
3 violation. In Louisiana, companies in fact do profit for  
4 breaking environmental laws.

5 The report referred to by Mr. Clifford with  
6 Region VI goes into -- it's polite, but it nonetheless  
7 identifies what our concern was. We filed that petition  
8 on behalf of LEAN. In Louisiana, the state agency does  
9 not ensure that when you bust a company for breaking the  
10 law that they pay for it, because obviously, if you still  
11 realize a profit from breaking the law, it's common sense  
12 profit motive for a company to continue to break the law.

13 So EPA proved what we already knew to be a  
14 fact; that companies were in fact not being punished and  
15 penalized and, I mean, they weren't being punished at all.  
16 They should be penalized largely to make it painful for a  
17 company to break the laws and illegally dump pollution  
18 onto minority communities or any community, for that  
19 matter.

20 The tree planting that Ms. Alderman referred to  
21 is a program known as BEP -- Beneficial Environmental  
22 Project, and that's DEQ's attempt to -- it loosely follows  
23 EPA's program known as the SEP, S-E-P, which says that,  
24 Well, maybe we shouldn't just make them pay a huge fine.  
25 Maybe we can let them do a side project to improve that

1 very community that they polluted in some small way.

2           --EPA has gone on record, and we will be happy to  
3 submit it into the record for you to look at, that DEQ's  
4 BEP program does not comply with the federal program,  
5 because they don't even require that that side project be  
6 done in the community that was harmed by the pollution.

7           They're allowing them to do projects halfway  
8 across the state. I'm sorry -- I could go on for days,  
9 but am I answering your questions?

10           MS. BOURG: It's very helpful.

11           MS. TEEL: Okay.

12           DR. FORD: Thank you.

13           MS. BOURG: Like -- well, I --

14           DR. FORD: Want to follow up?

15           MS. BOURG: -- I did ask, So what is it  
16 precisely you would want them to do?

17           MS. TEEL: We want DEQ to punish them, punish  
18 severely, companies that have been identified as breaking  
19 the law. Just like you and I can't go down the road 90  
20 miles an hour and not expect to get a very expensive  
21 ticket out of it, we expect the same punishment of large  
22 corporations or small who illegally dump pollution into  
23 these communities; particularly, for your purposes,  
24 minority communities.

25           And I'm sorry I didn't bring it here today, and

1 we could flash it before you, but appreciate that DEQ's  
2 enforcement, at least up until 1997, was at historic lows.  
3 Ten-year lows. In a study that we did, and I'll submit it  
4 to you, they were issuing the lowest amount of penalties,  
5 the lowest number of penalties.

6 They were collecting the least amount of  
7 penalties. Any way you crunch DEQ's own record,  
8 enforcement's at a historic low. And now they come along  
9 with this new program to allow them to do side projects  
10 and not pay fines.

11 MS. BOURG: What's the penalty matrix that we  
12 seem to have heard all about this morning from EPA?

13 MS. TEEL: It's not complicated. It's just you  
14 add up how much money did they realize from breaking the  
15 law, and you make sure at a minimum that it costs them  
16 more than they would have saved by breaking the law. It's  
17 real simple.

18 MS. BOURG: So is that in place?

19 MS. TEEL: Ideally, way more.

20 MS. BOURG: So is that in place?

21 MS. TEEL: According to that EPA study that Mr.  
22 Clifford referred to and that we referenced here, no.

23 DR. FORD: Roberta.

24 MS. MADDEN: Yes. You mentioned in the  
25 aftermath of the Shintech dispute that the governor had

1 attempted to shut down or virtually shut down your  
2 operations. . There was also some action by the Supreme  
3 Court. Would you bring us up to date on exactly where all  
4 that stands?

5 MS. TEEL: That is still in litigation and it's  
6 going to be argued before the Fifth Circuit Court of  
7 Appeals, Federal Fifth Circuit, in November I believe is  
8 the date. Because it's still in litigation I really don't  
9 want to talk about it extensively, but I think you're all  
10 aware of the underlying situation.

11 DR. FORD: Okay. Yes.

12 MS. PARKS: Ms. Teel, I understand that there's  
13 been major restructuring and reorganization in DEQ. Are  
14 you familiar with that? Do you see any positives coming  
15 from that?

16 MS. TEEL: I'm all too familiar with that, and  
17 there are no positives coming from it; only negatives.  
18 Now when you pick up the phone and try to reach somebody,  
19 you get transferred six times instead of three times. And  
20 they've admitted to me every time I make a phone call that  
21 the restructuring of DEQ has had no effect except to  
22 create more confusion rather than less.

23 DR. FORD: Okay. Ms. Richardson has a  
24 question.

25 MS. RICHARDSON: Firstly, by way of commentary,

1 the chair must be a liberal because he looks constantly to  
2 his left. -- Oh, I'm -- evidently, I'm mislocated here then,  
3 right along on the liberal side of the table.

4 DR. FORD: We'll do better.

5 MS. RICHARDSON: Try to do better. I've gotten  
6 lost in some alphabet soup here. Which is it -- and I'm  
7 out of government, you know, but each one has its own --  
8 the P-E-Y?

9 MS. TEEL: The new DEQ penalty program --

10 MS. RICHARDSON: Yes.

11 MS. TEEL: -- is known as B-E-P, Beneficial  
12 Environmental Project, and it's loosely, and I emphasize  
13 loosely, modeled after the federal EPA program known as  
14 SEP. S-E-P or Supplemental Environmental Project or  
15 Program, I'm not sure.

16 MS. RICHARDSON: Now maybe I can ask a question  
17 using the proper jargon. Under the PEQs program, I think  
18 I'm clear that they do not have to be assessed a penalty  
19 as great as or greater than the money that -- the profit  
20 that they made?

21 MS. TEEL: Well, they -- officially, they're  
22 not going to say that because that's flat-out illegal. As  
23 a practical matter --

24 MS. RICHARDSON: Practically. That's what I  
25 mean.

1 MS. TEEL: -- EPA in the study they did in '98  
2 found that they -- and I'm practically quoting here, I've  
3 said this so many times -- are not collecting the  
4 financial or economic benefit of the failure to comply.  
5 They're not punishing them at all.

6 MS. RICHARDSON: Okay. Now maybe I can get to  
7 a question. Every time I think I'm intelligent, something  
8 else throws me. I know that it's a complicated procedure  
9 to change any kind of governmental regulations and that  
10 kind of thing, but has anyone initiated to your knowledge  
11 a change in the procedure or strengthening of the penalty  
12 clause and not plant ten trees ten miles away. Has  
13 anything been done, to your knowledge, legally to start  
14 the process of strengthening those regulations?

15 MS. TEEL: You heard from Mr. Clifford with  
16 Region VI that they are trying to have more oversight.  
17 And I'm sure y'all picked up, not to be on Mr. Clifford,  
18 but I'm you all caught, and I appreciated the question  
19 from Mr. Quigley. You've gone up five times. What does  
20 that mean in numbers?

21 They only had one enforcement referral two  
22 years ago and this year they have five. Is that better?  
23 Well, yeah, I guess it is, but five, in the scheme of  
24 things, that's nothing. You're hearing from these people  
25 and the statistics prove that we have an enormous out-of-

1 control state agency here.

2            --It's going to take a lot more than five  
3 referrals over a two-year period for anything to -- of  
4 significance to be done in this state. And we have been  
5 petitioning EPA, and we will continue to petition EPA, to  
6 yank these delegations, because the record is  
7 establishing, has already established, that the state  
8 agency either is unable or unwilling to protect minority  
9 communities.

10           MS. RICHARDSON: Followup, sir?

11           DR. FORD: Sure.

12           MS. RICHARDSON: Okay. In light of having  
13 petitioned them, is that the first step to getting a  
14 public review of the regulations or change to the  
15 regulations?

16           MS. TEEL: I'm not sure what regulations you're  
17 referring to.

18           MS. RICHARDSON: Okay. Under whatever hearing  
19 or statement that they made as to how the BEQ would  
20 operate. Since in effect it's doing nothing, how do you  
21 remedy that through the rule-making process in government?

22           MS. TEEL: Right. The procedure is to petition  
23 EPA to withdraw the delegation of the program. When you  
24 do that, EPA has a mandate, as in -- they're required by  
25 law to investigate the reasons that you've listed in your



1 petition for withdrawal.

2           \_I do not believe there's any public  
3 participation in that process. That would be a tremendous  
4 improvement to that process. We like to think we do a  
5 great job and if for those communities that we have filed  
6 the petitions on behalf of, we try to pull information  
7 together.

8           But I know that you know from sitting in these  
9 hearings that the best evidence comes from the people that  
10 are living in it.

11           MS. RICHARDSON: That answers me. Thank you.

12           DR. FORD: Pass it to Ms.Seicshnaydre. She's  
13 next.

14           MS. SEICSHNAYDRE: Hi. I just wanted to ask  
15 you how many cases the Clinic, if any, has had to turn  
16 down as a result of the practice rule?

17           MS. TEEL: We don't have an official count. I  
18 can tell you that we have definitely had to turn down  
19 several individuals and groups who contacted us, because  
20 they were either unable or unwilling to meet the very  
21 strict income requirements that we have -- now have under  
22 the student practice rule.

23           I think the bigger impact has been that with  
24 all the press that went into what happened and the  
25 governor, you know, saying, Shut them down, and then what

1 happened with the amendments to the rule is that people  
2 aren't calling us now. They think that we can't help  
3 them, and it's had this terrible stifling effect on the  
4 groups that we normally would represent.

5 And I cannot resist taking the opportunity to  
6 add to that that we are very much open for business.  
7 They've made it harder for us, but there is no way they're  
8 going to stop us from doing everything we can to help  
9 minority groups and any group that has an environmental  
10 problem.

11 MS. SEICSHNAYDRE: Just a quick followup to the  
12 discussion about EPA monitoring DEQ. Is -- who polices  
13 EPA, and is there something other than petitioning them  
14 that -- is there any other recourse? I know in other sort  
15 of federal agencies, there are sometimes remedies  
16 available when the federal agency is not adequately doing  
17 its jobs in a civil rights context. Is there any kind of  
18 remedy available against EPA?

19 MS. TEEL: There are two things that we can do,  
20 one of which we did do. As you heard from Ms. Harden with  
21 Earthjustice, we co-wrote a petition on behalf of the  
22 Convent folks in Shintech. It was pursuant to the air  
23 permits. We filed an environmental justice complaints  
24 under those permits.

25 It went first to Region VI who -- I think she

1 mentioned but I just want to highlight -- found no  
2 technical problems with the Shintech permits, found no  
3 environmental justice problem with the Shintech permits,  
4 and we then went over their head to the Office of Civil  
5 Rights in EPA headquarters in D.C.

6 When headquarters in D.C. looked at the exact  
7 same permits that Region VI had, pardon the expression,  
8 rubber-stamped, they found more than 50 technical  
9 violations in those permits, and they found there was  
10 environmental justice issue.

11 We have never gotten any relief out of Region  
12 VI on environmental justice. Only by going over their  
13 heads to headquarters have we gotten any -- well, in the  
14 one instance, got an investigation.

15 The other thing that can be done is to sue the  
16 federal government directly. That hasn't been done yet.  
17 That is a possibility, and I'll leave it at that.

18 DR. FORD: Any other committee questions? If  
19 not, we thank you very much for your input.

20 MS. TEEL: Thank you.

21 DR. FORD: Our next pair of presenters are John  
22 Koeferl and Jamal Morelli. I may have murdered your  
23 names, but that's close.

24 These gentlemen are with the Holy Cross  
25 Neighborhood Association, Ninth Ward, New Orleans.

1 For our Recorder, as you get started again if  
2 you would repeat your name and your association.

3 MR. KOEFERL: My name is John Koeferl --

4 DR. FORD: You need to pick up the mic. Yes.

5 MR. KOEFERL: -- John Koeferl, and this is --

6 MS. DASHIELL: My name is Pam Dashiell. I'm

7 also with the Holy Cross Neighborhood Association and

8 Citizens Against Widening the Industrial Canal.

9 MR. MORELLI: I'm Jamal Morelli. I am a member  
10 of the Holy Cross Neighborhood Association on the board of  
11 directors and a member of Citizens Against the -- can't  
12 hear me?

13 DR. FORD: They want you to talk louder.

14 MR. MORELLI: I'm Jamal Morelli. I'm a member  
15 of the Holy Cross Neighborhood Association on the board of  
16 directors. I'm also a member of the Citizens Against the  
17 Widening of the Industrial Canal.

18 THE REPORTER: What is Pam's last name?

19 MR. KOEFERL: D-A-S-H-I-E-L-L.

20 This is about the Corps' project of widening  
21 and deepening the locks in the channel in the industrial  
22 canal. It's -- you all have the sheets called Remarks.  
23 This is what I'm going to talk from, and you can follow  
24 along. I'm going to skip rapidly so that we get to the  
25 meat of it.

1           The basics of the project -- it's a huge  
2 project, \$641 million, to build a new lock in an old  
3 canal. The canal goes through our neighborhood. It's  
4 going to take 12 years to do it. They haven't really  
5 started it.

6           It's a largely African-American neighborhood  
7 surrounding the canal. The exact figures on demographics  
8 are on page 4 and 5 of the larger handout. The district  
9 as a whole is 88.5 percent African-American, and the  
10 median income is \$12,583. So it's one of the poorest  
11 neighborhoods in New Orleans.

12           And now the canal -- the locks is scheduled to  
13 go even closer to a neighborhood that is 99 percent  
14 African-American. It's been moved during the course of  
15 years of study. The neighborhood has consistently opposed  
16 this project. For years the Corps has selected a  
17 mitigation committee, which has been using closed meetings  
18 to go through a menu of things to compensate the  
19 community, which we feel don't really address the adverse  
20 impacts of the canal.

21           This canal was built on the grave of the  
22 Ursuline Convent, which was destroyed when the river  
23 was -- the levee was rolled back in 1905 and freed up all  
24 that long arpent of land, you know, from the river towards  
25 the lake. And so we lost many blocks of our neighborhood

1 at that time and people were put out, so it's been around  
2 a long time..

3 There are people still living whose families  
4 were put out on the street to build this canal in the  
5 first place, so the argument that has been used that,  
6 We're just enlarging a canal that has always been there.  
7 It has always been a question of racism and of putting  
8 this canal in a poor place.

9 And now, our main objection to it is that it's  
10 not safe or appropriate to have a canal which carries all  
11 these tremendous agricultural chemicals and hydro -- and  
12 petrochemicals that are too safe to travel -- I mean, too  
13 unsafe to travel by road or rail to come through our  
14 neighborhood.

15 There are 50,000 people live right around our  
16 neighborhood, and the Corps has refused to study the river  
17 and canal safety, despite a strong recommendation in 1993  
18 which has been repeated many times by the National  
19 Transportation Safety Board. And if you don't have that  
20 document in that larger folder, we'll see that you get it.

21 The Corps' study on toxic substances in the  
22 canal is very inadequate. We're trying to clean up the  
23 lake in New Orleans, and we feel there are many things in  
24 here that need to be addressed before the government puts  
25 millions and millions of dollars into cleaning up the lake

1 if we're just going to be dumping more toxic substances  
2 in, you know. And it particularly affects our  
3 neighborhood.

4 We also have a decreased ability to evacuate  
5 during this project. And after the project, it's no  
6 better. We'll be further isolated from the rest of the  
7 city. We lose historic canal structures that have been  
8 there for 80 years and have finally gained the kind of  
9 patina of acceptability. A little moss has grown on them.  
10 We began to accept their being there as part of link with  
11 New Orleans.

12 And they're going to come in here with another  
13 structure that's good only for 50 years, and then they're  
14 going to be doing something even larger scale. So this is  
15 really disruptive. We're only a mile and a half from the  
16 French Quarter in New Orleans.

17 This is a poor community that really needs to  
18 be able to invest in their past in fixing up the  
19 structures that are already there and making the downtown  
20 part of New Orleans a beautiful and productive thing. And  
21 instead, we have the Corps coming in who doesn't plan with  
22 anybody. Just comes in and dumps this plan right on us.

23 This plan is opposed by the New Orleans City  
24 Council because it's considered to be unsafe, and the  
25 Corps is not addressing that. Also, there's going to be

1 construction for 12 years, pile driving for six and a half  
2 years, tremendous declines in property values, decline in  
3 new and existing businesses, and a lot of traffic  
4 congestion which will get even worse -- will get no better  
5 after the project.

6 Also, barge traffic has been decreasing since  
7 1988 and brings into question the whole economic  
8 justification for this project. The justification for the  
9 project was when this lock was economically justified by  
10 obsolescence of the existing lock or by increased traffic.

11 For years, the Corps has been saying there's  
12 greatly increased traffic. We project even more. Lock is  
13 beyond capacity. We need a new lock. Well, we found out  
14 that that isn't true; that lock figures are actually  
15 declining.

16 This is a submission I made last year to you.

17 Can you hear me? I'm sorry.

18 DR. FORD: We can hear you but I'm not sure the  
19 people in the back can.

20 MR. KOEFERL: Can you hear? Thank you. Thank  
21 you for saying that.

22 We found out that from the Corps' own Website  
23 that their projections were based on inaccurate figures.  
24 Their own figures show that traffic through the canal has  
25 gone from a high of 27,128 tons in 1988 down to 1999,



1 19,698 tons. It's just every year dropping by a million  
2 tons coming through the canal. They no longer can say,  
3 There's increased traffic. We need the lock.

4 So the Corps of Engineers misled Congress by  
5 failing to disclose this. They knew it at the very time  
6 they made these projections. There've been some articles  
7 recently in the Washington Post about the move by the  
8 Corps of Engineers to grow the organization. Perhaps  
9 you've heard of those. We can give you -- we have a  
10 handout we can give you that shows that.

11 In fact, there was an article in Sunday's  
12 Washington Post which talks about the Corps controversial  
13 projects. The first project -- five most controversial  
14 projects in the country -- the first one on the list, New  
15 Orleans industrial canal lock replacement controversial  
16 project. And controversial because the figures don't back  
17 it up. Be happy to give you a copy of this also.

18 We had a little car trouble on our way down, so  
19 our plans to make you copies were kind of gone by the by,  
20 and we apologize for that.

21 DR. FORD: You do plan to share the 15 minutes  
22 with your two colleagues. Right?

23 MR. KOEFERL: Pam.

24 MS. DASHIELL: There are many objections to  
25 this project, but one of the most important, I think, is

1 the institutional racism. Hopefully, completely  
2 uninformed -- I'm not saying that the people who actually  
3 implemented the project were aware of it, but last year  
4 Tulane University Environmental Law Clinic did a study for  
5 us.

6 And it shows unequivocally a pattern of the --  
7 this project being moved from a relatively middle class,  
8 relatively affluent, relatively rural area to a less  
9 middle class, poorer, darker area to the Holy Cross  
10 neighborhood, which is a part of the Lower Ninth Ward,  
11 which is a mixed area, 75 percent African-American, 25  
12 percent white, and our median income may be 14- or 15,000,  
13 as opposed to the 12,000 in the Lower Ninth Ward, to an  
14 area that's 99 percent African-American with the lowest  
15 median income in the city.

16 I mean, it's there in black and white. This is  
17 the largest project of its kind ever put on within an  
18 urban area -- ever. There are 30,000 people right at the  
19 project. The danger to the community from construction  
20 activity, from the project during construction, from what  
21 will happen after construction when there's increased  
22 barge traffic, when there's deep draft shipping which is a  
23 big part of this project.

24 Deep draft ships going through New Orleans  
25 neighborhoods -- we are below the levees, okay. I mean,

1 we are below sea level. We're talking these supersized  
2 ships cutting right through our communities. I mean, it's  
3 something that those of who live by the river and the  
4 canal have nightmares about even now.

5 A few years ago one of those ships ran into  
6 Riverwalk. Okay. I mean, in barges -- a barge a few  
7 years ago ran into one of the bridges that they are  
8 talking about replacing as a result of this project. So,  
9 I mean, there are safety issues.

10 There are the issues of the toxins that may be  
11 in the soil that line the banks of the canal or in the  
12 canal itself. This has been an industrialized area for 75  
13 years and -- I mean, God only knows what is in there. The  
14 testing that's been done so far was not adequate.

15 If this -- a project like this would never have  
16 happened in a neighborhood with a higher income or a  
17 higher proportion of white people. It just wouldn't have  
18 happened. And again, opposition to the project has been  
19 concerted over the last 40 years, wave upon wave of  
20 people.

21 I mean, many of the people who we started  
22 working with against this have since died. I mean, this  
23 is three generations of people, and the Corps has always  
24 known about the opposition. The Port has always known  
25 about the opposition.

1           John didn't mention the Port of New Orleans,  
2 but they're the project sponsor. And their constituents  
3 stand to make billions. Now, there's nothing wrong with  
4 business. Nobody is opposed to economic development. We  
5 all need economic development.

6           But the vast, the vast majority of the money  
7 will benefit only the maritime industries. Only the  
8 maritime industries. Yes, there is a piddling amount for  
9 what they're calling mitigation for the community. It's  
10 \$35 million.

11           That \$35 million, for those of you who are  
12 familiar with New Orleans, must -- well, covers the area  
13 from the St. Bernard Parish line all the way to Elysian  
14 Fields Avenue. Now, I'm not sure about the exact mileage,  
15 but that's -- it's a long way. And there are about 40,000  
16 people, and that's over -- the Corps estimates 12 years.

17           If they estimate 12 years, you know that it's  
18 going to be 20. They estimate the cost -- the total cost  
19 for the project at 641 million. If they estimate it at  
20 641 million, who knows what the final cost will be. So  
21 there is a problem with that.

22           Another problem that has arisen is that  
23 whenever you have money, sums of money, mentioned or  
24 dangled in front of a poor community, okay, you have  
25 people who get excited at the prospect; not necessarily

1 for their own personal benefit, although of course there's  
2 that, too— I mean, we all are -- you know, we're humans.

3 But, I mean, people look at it for the benefit  
4 of the community, too, and don't think about the  
5 consequences and don't think about whether that amount of  
6 money is going to make a difference. Many of our  
7 institutions, because of the primacy of the maritime  
8 industry in New Orleans, many institutions, I mean, are  
9 for this project.

10 They tell us, Well, you know, it's for the good  
11 of the nation. It's for the good of the nation. It's for  
12 the good of the city. It's for the good of the community.  
13 Even institutions which have -- I mean, which have worked  
14 valiantly for us -- I mean, for the African-American  
15 community in New Orleans and elsewhere, and I've got to  
16 say, Dr. Wright, I don't understand what's -- I mean,  
17 what's happened with this.

18 Even the Deep South Center for Environmental  
19 Justice has become, I believe, a part of this. I mean,  
20 you know, I don't the particulars. I know what I read in  
21 the paper, and I know what I read in the Port's press  
22 release.

23 DR. WRIGHT: You don't know the particulars.

24 MS. DASHIELL: Okay. No, I don't. That's  
25 exactly what I said. I don't, but apparently, they have

1 become part of the project. They are the training arm,  
2 okay, according to the Times-Picayune. And --

3 DR. WRIGHT: That's correct.

4 DR. FORD: Beverly, you can ask a question  
5 later.

6 DR. WRIGHT: Well, she's looking at me and I'm  
7 not -- just respond what she asked. I'm just saying she's  
8 looking at me if a question.

9 DR. FORD: But you'll have a chance to  
10 respond -- to ask a question.

11 DR. WRIGHT: Okay.

12 MS. DASHIELL: Okay. Anyway, the tentacles for  
13 this project are everywhere, and the people in the  
14 neighborhood have been steadfastly opposed to it. The  
15 people in the neighborhood, black and white, have been  
16 opposed to this forever and continue to oppose it and  
17 continue to feel that we are not expendable.

18 And that's all I have to say.

19 MR. MORELLI: I'm actually here to respond to  
20 questions. I didn't have anything that I felt that I was  
21 going to promulgate right now. But when they're put under  
22 fire, they shake a lot, so that's why I'm here to help  
23 them.

24 MS. DASHIELL: Let me say one more thing to  
25 them. Okay. I also wanted to talk about the mitigation

1 committee that the Corps has put together. These -- I  
2 mean, for the most part, these are fine people. There are  
3 24; 12 members, 12 alternates. They are people who grew  
4 up in the community over the years. Okay. Work very hard  
5 for the community.

6 But again, people get stars in their eyes when  
7 they hear about money. They either were self-selected or  
8 selected by the Corps. Our neighborhood association sent  
9 two people who would not go -- who did not disrupt who --  
10 I mean, who went to deal with the project, okay. They  
11 were kicked off.

12 They have brooked no opposition to this.  
13 They're the Army. They'll do what they have to do to get  
14 to their point. And again, nothing against the people who  
15 are on the mitigation committee except that they are being  
16 misled and they have stars in their eyes.

17 MR. KOEFERL: I would like to say that I think,  
18 rather than having good planning on this project, what the  
19 Corps has done is they made a decision themselves and then  
20 they announced that decision, and for 40 years they've  
21 been defending this decision against the Port moving  
22 somewhere else, against all kinds of things. They've been  
23 defending this decision that was made in their own cocoon.

24 And the way they've been defending it is by  
25 public relations. They've been saying that they've had a

1       broadbased community involvement process, even though they  
2       haven't. --They've constantly saying that, just like they  
3       say the old lock is obsolete; even though their own  
4       figures show that it can be fixed up for another 50 years  
5       for \$16 million, not 541 million, okay, 16.

6               So they use public relations, okay, to just  
7       hammer away at points which really are not true. The lock  
8       really isn't obsolete. It -- the traffic isn't too much  
9       for it. The wait is not too long, and there has not been  
10      a broadbased community process. It's not true.

11             And we have found that the courts, I mean, and  
12      other agencies, I think, have an understanding. You know,  
13      if we complain, like, to the EPA, which we have -- you  
14      have a letter that we wrote to the EPA -- the EPA gets in  
15      touch with the Corps and says, Is this true?

16             And the Corps says, This is -- of course not.  
17      And the EPA writes, Well, we've checked it out. The Corps  
18      has done everything they should, and that's it. Well, we  
19      need your help. We have been just snowballed on this the  
20      whole way.

21             Every time we've written, we've gotten this  
22      response. People have deferred to the Corps. Even the  
23      newspaper in town defers to the Corps, and they talk about  
24      our neighborhood as just having fear about the project,  
25      implying if we knew more, we would really love it, you



1 know.

2           \_Or that we're activists rather than community  
3 leaders. If we were in the Lakeview section of New  
4 Orleans, they would be calling us Mr. and Ms., you know,  
5 and president of this, president of that. Because of  
6 where we're from, they call us activists, even though we  
7 represent large organizations.

8           So we're done. Please. Thank you.

9           DR. FORD: Why don't we do some questions, and  
10 Mr. Morelli can get into this, too. I'm looking to my  
11 left and my right. Okay. Mr. Quigley.

12           MS. WRIGHT: I think I need to respond, Bob,  
13 before -- shouldn't I respond before you --

14           DR. FORD: Mr. Quigley, would you give Dr.  
15 Wright an opportunity to respond first?

16           MR. QUIGLEY: Sure.

17           DR. FORD: Very good.

18           MS. WRIGHT: Okay. Since my name came up, I  
19 find it necessary to defend myself. It was kind of side  
20 comment, but it needs to be responded to.

21           Yes, we were the first Environmental Justice  
22 Center ever in this country, first to be established at  
23 HBCU, and yes, we work with communities across the  
24 country. We have also been in the business of training  
25 young people between the ages of 18 and 25 in hazardous

1 waste. Worker training, as it's called. For five years  
2 we've been working with the National Institute of  
3 Environmental Health Sciences, training people who live in  
4 environmentally-impacted communities in hazardous waste so  
5 that they can get jobs to clean up their own community.

6 We were asked by the Corps to try to put  
7 together a training program for the Lower Ninth Ward,  
8 which we did, based on our record. But also in that  
9 process, our community outreach coordinator approached  
10 every community leader in the Lower Ninth Ward, including  
11 your community, when --

12 MS. DASHIELL: He did not. [indiscernible]

13 DR. WRIGHT: -- well, let me say this. He did  
14 approach and was basically told by the gentleman right  
15 here that he was against the project, and so understanding  
16 that, your community organization did not send a letter of  
17 support for the project, but at least seven communities  
18 did.

19 And I'm saying this because it is -- there is  
20 some controversy, but what we're doing has nothing to do  
21 with the expansion of the lock. We're doing a training  
22 program, and all of the community groups that we talk  
23 with -- and we have letters of support from them -- are  
24 for the mitigation plan and for the training.

25 Now, it's fine to have controversy and my

1 understanding is -- and I will call names -- Mr. Kojo  
2 Livingston--told me that he spoke, and I did hear that you  
3 called our office and was very angry, asking to speak to  
4 me about this particular project.

5 But we're training people, so however you feel  
6 about the lock, we stick by our decision to train people  
7 from the Lower Ninth Ward in this particular field. This  
8 is what we do. It's one of the many things that we do,  
9 including research and other kinds of things.

10 But all that we do, the one area where we think  
11 we have really made a difference is in training young  
12 people so that they are working; young people who have  
13 never worked before. And so I stand by -- I stand by  
14 that, and I still say that in our investigation of this  
15 particular situation, we found a larger percentage of  
16 people -- as you say, the people on the mitigation  
17 committee, whatever that was -- in support of the project  
18 than against it.

19 I'm telling you what we found. You don't  
20 believe it, but this is we found. We also heard --

21 MS. DASHIELL: I'd like to know which  
22 organization that you talked with --

23 DR. FORD: This is -- we make statements, not  
24 argumentative.

25 DR. WRIGHT: Can I finish my point, and then

1 I'm going to end, because at some point every agency or  
2 organization has to take on self-determination. Just as  
3 you have decided to be self-determined in your position  
4 against the lock, there are groups who decided on the  
5 mitigation plan.

6 We made a decision that we wanted to be  
7 involved in the training of people in the Lower Ninth  
8 Ward. We have moved forward in that direction, and we  
9 have no intentions of turning around. How you proceed in  
10 your pursuit against the lock is a perfectly legitimate  
11 position to have. I would never say that you shouldn't.

12 At the same time, I believe we also have the  
13 right to self-determination in going forward with our  
14 training, which is part of our mission.

15 MR. KOEFERL: Dr. Wright, may I respond to  
16 that?

17 DR. FORD: Now, let me say something before  
18 we -- this is not intended to be a debate. We are here to  
19 hear your concerns, and we diverted for a moment to give  
20 some opportunity for response. I think we've heard  
21 enough --

22 MS. DASHIELL: We appreciate that.

23 DR. FORD: All right. I appreciate your  
24 understanding of that. So if we could, I'd like to  
25 proceed with questions. Is that okay with you?

1 MR. KOEFERL: Was that -- could I just -- well,  
2 okay. I think there's a point of clarification that might  
3 be made about this.

4 DR. FORD: I defer to my committee. Would we  
5 permit one minute of followup?

6 VOICE: Let's take a minute.

7 MR. KOEFERL: Well, I just wanted to say that  
8 we -- Congressman Lindy Boggs was -- realized that this  
9 project was being steered towards us politically back in  
10 1990, and she authored a resolution that went in the  
11 Waterways Bill of 1991 that insisted that if and when this  
12 project was ever -- the locks were ever declared obsolete  
13 and there was too much traffic for them that -- and it was  
14 going to come to New Orleans, that the people in the  
15 neighborhood would have to be involved in the building of  
16 that lock.

17 And that's where the Corps' initiative comes  
18 from to train people, because they're fulfilling the  
19 congressional resolution of 1991. Thank you.

20 DR. FORD: Appreciate that information.

21 Mr. Quigley had a question.

22 MR. QUIGLEY: One of the things that we hear  
23 all day long is that nobody's listening, or that we're  
24 speaking and we go to meetings, but nobody pays attention;  
25 whether it's the federal government or the state

1 government or the local government.

2            \_And what -- you know, this is the Advisory  
3 Commission to the U.S. Commission on Civil Rights, and  
4 when we met in the early '90s, we talked about the concept  
5 of environmental racism and environmental justice and  
6 helped put that on the agenda, which a lot of other people  
7 did a lot of work on that as well.

8            But how do we move it forward? From your  
9 experience -- I mean, you all have been fighting this  
10 thing for a long time -- what -- how can the voice of the  
11 people who live in the neighborhoods that are being  
12 affected, how can we help advise the federal government  
13 and the state government how to better listen to what  
14 people are saying?

15           Do you have some ideas of things that you would  
16 hope might have worked, or do you see that the citizens  
17 ought to have an absolute bar? If they don't get the  
18 agreement of the people in the neighborhood, then the  
19 state and local government shouldn't be able to take  
20 action?

21           MR. MORELLI: As it had been explained -- and  
22 so many things end up off the record because -- you've got  
23 neighborhood working groups; you know how this works.  
24 Everything is not going to be extensively documented and  
25 videotaped any more than maybe even this is.

1           But it was said by the district engineer, If  
2 you don't want the project, it's not coming. And that's  
3 the days when there was this wave of concern and anxiety,  
4 and there were a lot more people to kind of meet it as it  
5 was coming.

6           Now, there's only so much dissonance a human  
7 being can sustain before they just kind of back away from  
8 it. I can't tell you how many people finally were just  
9 like, Just let the thing come through. Just let us get on  
10 with our lives.

11           Now, there isn't really a voice to be heard at  
12 this point, because there's not enough facts being  
13 disseminated about it, you know. Okay. So the wave of  
14 opinion, as far as I can tell, doesn't exist except in  
15 media waves that have been created by the Corps.

16           You have voices of dissension. We're very,  
17 very scattered. The only people who truly know how  
18 mismanaged and misled and completely misguided, the  
19 community-based mitigation committee is, and then there's  
20 subsequent interactions with their communities, are the  
21 people on the inside. The people who have read the plan  
22 of action. The people who have managed to wade through  
23 nine volumes of an evaluation report which was supposed to  
24 have been implicitly understood before there was a  
25 partnering agreement between the communities and the

1 Corps.

2 - --And as an aside, this was the condition of  
3 every person who got on those working committees that they  
4 were supposed to understand nine -- I guarantee you it  
5 would take all of us four lifetimes to get -- and at least  
6 some kind of, like, nine degrees to understand what's in  
7 that.

8 But all of these people from neighborhood  
9 working groups signed away on this. And they are the ones  
10 disseminating the information. In a nutshell, there isn't  
11 a voice.

12 MS. DASHIELL: Jamil, I'm sorry. I've got to  
13 differ with you on that.

14 MR. MORELLI: Okay. Go ahead.

15 MS. DASHIELL: There is a voice for the people  
16 in the community. Now, again, the Corps' definition of  
17 that project area is from the St. Bernard Parish line to  
18 Elysian Fields. The area that's going to be most affected  
19 is the Lower Ninth Ward area, which is below the  
20 industrial canal. Okay. This is the area that's going to  
21 be --

22 VOICE: Talk more into the mic. Nobody can  
23 hear you.

24 MS. DASHIELL: I'm sorry. Okay. This is the  
25 area that is going to be further cut off from the city.



1 We are cut off from the city already. There are many  
2 neighborhood-groups. There are many people. Again, the  
3 sons and daughters and grandsons and granddaughters of  
4 people who were in this fight in 1960.

5 And so for that voice to be heard, I would say  
6 that a hearing in New Orleans -- I mean, it was very  
7 difficult. We're all working people here. It was very  
8 difficult for us to get here. It's very difficult for the  
9 people in our community, many of whom are elderly or have  
10 small children, to come and be heard during working hours.

11 I would say forums and hearings like this at  
12 times accessible to the people. But there is a voice

13 DR. FORD: Ms. Bourg has a question.

14 MS. BOURG: Thank you for traveling all this  
15 way and for caring about your community and sharing the  
16 information with us.

17 I have a question that's a bit of a historical  
18 question. In the 1970s it appears that the Army Corps of  
19 Engineers actually selected Violet, Louisiana. Am I to  
20 assume that Violet, Louisiana, is perhaps more white, more  
21 affluent; and if so, who can remember on what basis St.  
22 Bernard Parish opposed such a wonderful lucrative project?

23 MR. MORELLI: Well, one thing that happened  
24 is -- you know, this project is all part of the  
25 Mississippi River Gulf Outlet. We call it the Mister Go.

1 And it was a disaster. It's destroyed the estuaries and,  
2 you know, it's this manmade channel 75 miles out into the  
3 Gulf.

4 MS. BOURG: Excuse me, but my question was: On  
5 what basis historically did St. Bernard oppose it?

6 MR. MORELLI: Okay. They didn't like the MRGO.  
7 Okay. They didn't like what was happening. They didn't  
8 like their fisheries destroyed, so there was a real  
9 resentment towards the Corps of Engineers about this.  
10 They also didn't want their parish cut in half as they  
11 felt a canal through there would cut them off from the  
12 rest of their parish like we are cut off from New Orleans  
13 where we are.

14 And they got together and really -- they made  
15 an environmental argument. It -- in fact, it's one of the  
16 only environmental arguments that Bob Livingston ever made  
17 was that it should not be in St. Bernard Parish. Now,  
18 Violet wasn't much less black or more white than --

19 VOICES: It's more black but it's not richer.

20 MR. MORELLI: Well, we have the figures right  
21 here on page 5, I think, of that document. We have the  
22 figures in Violet.

23 So they picked ten sites in 1988. They were  
24 straw sites. They just went through and just kind of  
25 crossed them off. One site -- I think it was in Muh-ro

1 [phonetic] or the Saxonholm site -- they crossed off  
2 because it might impede the progress of a roadway in St.  
3 Bernard Parish. I-510 coming through there. Okay.  
4 So they left that alone.

5 And then they finally Xed them all off and we  
6 were left. That's what happened. And you know, it took  
7 one day for the residents of English Turn, an affluent  
8 subdivision on the other side of the river, to stop I-510  
9 bridge. And it's taken us 40 years.

10 Did I answer your question?

11 MS. BOURG: Thank you.

12 DR. FORD: Ms. Parks.

13 MS. PARKS: Thank you for your presentation.

14 I'd like to touch on the economic impact of these  
15 challenges on, you know, goods being moved, as I  
16 understand it, from ports in Florida, Mobile, through New  
17 Orleans across the south. I feel like there's a serious  
18 economic impact, given, as you mentioned, the Gulf Outlet  
19 that I think runs from Breton Island to Shell Beach.

20 And I'm wondering what -- how that plays into  
21 this, and if traffic is moving through this area, what is  
22 the economic impact. Has that been discussed? Is that  
23 something maybe I need to ask the Corps about? But also,  
24 you know, are there any alternatives that have been looked  
25 at. Are we looking at stopping that navigability in this

1 area because it's so old and rusted out and, you know,  
2 I've heard stories. And is that why the traffic is less.  
3 Is there another place, another way to get around? I kind  
4 of just throw that out, food for thought, and what are  
5 your thoughts?

6 MR. KOEFERL: Well, the traffic is less, I  
7 think, because the commodities that have been going  
8 through the canal are no longer going through, like coal.  
9 Some of the plants that used to burn low sulphur coal -- I  
10 mean, high sulphur coal can no longer do that, and that's  
11 what was coming through our locks to those plants.

12 Also, natural gas is being used much more than  
13 oil now, and oil used to pass through. Now natural gas is  
14 being piped through, so the canal isn't being used for  
15 that. Okay. Now, the MRGO, where ships come into the  
16 tidewater area through the canal, has only been having  
17 maybe one and a half ships a day coming through there at  
18 the cost to taxpayers of 16- or \$17,000.

19 And it was shut down by nature; by Hurricane  
20 George, I think it was, three years ago, and it initiated  
21 a change in the project. You know, this project is called  
22 the Mississippi River Gulf Outlet New Locks and Connecting  
23 Channel.

24 Suddenly, the Corps was calling it the  
25 Industrial Canal -- I mean, the Inner Harbor Navigation

1 Locks, because they're closing down this 40-year-old  
2 project which has closed down itself. The port is moving  
3 to the river, and they still want this project to go on.

4 And there's some reasons, but we believe the  
5 cost benefit that was originally set up is no longer  
6 valid.

7 MS. PARKS: By the Corps' own estimate, and I'm  
8 sure -- I mean, they will -- they may correct this if it's  
9 wrong at this point -- but up to the last year they  
10 indicated \$100 million benefit, okay, to the nation. Now,  
11 I mean, that's not a lot.

12 The benefits -- the main benefits that they've  
13 been projecting -- they commissioned a study last year by  
14 Dr. Tim Ryan, who's famous in New Orleans for his  
15 optimism, and they projected lots of jobs -- lots of jobs.  
16 Lots of secondary benefits. Again, the man is very  
17 optimistic, and we just don't believe that.

18 DR. FORD: Since it's on that end, Beverly has  
19 a question. Then Farella.

20 DR. WRIGHT: My question is brief on -- I just  
21 wanted to know the representatives of the Holy Cross  
22 community who were kicked off of the mitigation committee.  
23 Can you tell me who kicked you off and why?

24 MR. MORELLI: Okay. At the March 30 meeting,  
25 we were told that we would have to sign a partnering

1 agreement. It was myself and Mary Patsy Story. We had  
2 submitted an amended partnering agreement that we were  
3 willing to sign, because in good faith that's what we were  
4 there to do was to mitigate.

5 One of these requests was that we wanted a map  
6 of contaminated sediment in relation to our homes. This  
7 had been requested as far back as March 16, and we were  
8 told we could get anything that we needed like this to  
9 help us assist our decisions on how we would do the  
10 mitigation spending.

11 This wasn't forthcoming, so I saw that as a way  
12 of exciting ill will in the Holy Cross Neighborhood  
13 Association. We were supposed to sign a partnering  
14 agreement without having a map of where this sediment was  
15 in relation to our homes.

16 I think it's a very easy thing to do if you've  
17 written an environmental impact statement. It wasn't  
18 forthcoming. We refused to sign this partnering  
19 agreement. At the end of the meeting, Mary Patsy Story  
20 asked Gerald Dicharry what the status was. He said,  
21 You're off this committee.

22 DR. WRIGHT: Who is Mary Patsy Story?

23 MR. MORELLI: She was the other representative  
24 for the Holy Cross Neighborhood Association. She's also  
25 on the board of directors for Holy Cross Neighborhood

1 Association.

2 DR. FORD: Ms. Robinson has the last question.

3 MS. ROBINSON: Yes. I just have one very brief  
4 question. In light of the information that we have  
5 gathered at this point, this project was pretty much a  
6 done deal. And I would like to know whether it's a done  
7 deal or not.

8 How can this be compromised? In the presence  
9 of this industrial lock expansion, what would be a good  
10 compromise on this? What are some of the mitigating  
11 things that you feel are appropriate to resolve this  
12 problem?

13 MR. MORELLI: There are 25 other projects in  
14 Louisiana right now that the Corps of Engineers could be  
15 working on. There's Beek [phonetic] Restoration Project  
16 in St. Bernard. There's a study there that can be done.  
17 There are countless things besides a highly controversial,  
18 highly wasteful boondoggle which has been criticized for  
19 years.

20 Think about how many things can get passed  
21 through easily with sufficient statistics. Why hasn't it?  
22 Why are people still so suspicious? I would say that, you  
23 know, we can look through the lists of other Corps  
24 projects that could be authorized and get those going in  
25 D.C. and deauthorize and forget this one.

1 DR. FORD: Okay. This is the last response.

2 MS. DASHIELL: This is not a done deal. Again,  
3 right now there's a series in the Washington Post this  
4 week. It started on Sunday. It will end on Thursday on  
5 abuses by the Corps. Congress at this point is looking at  
6 different ways of dealing with the Corps.

7 As John indicated before, there have been  
8 various allegations, and I've got to say not in this  
9 region as of yet. I mean, I really have to say that. Of  
10 wrongdoing, fudging of figures, incompetence, et cetera.  
11 It's not a done deal. Not yet. It's not.

12 DR. FORD: Okay. Thank you very much.

13 MR. KOEFERL: Thank you. Thank you for being  
14 here and hearing us.

15 DR. FORD: We may learn a little more about  
16 this, because our next presenter is Gerald J. Dicharry,  
17 project manager for the U.S. Corps of Engineers, New  
18 Orleans District.

19 After this presentation and questions, we will  
20 break for dinner and pick up after that.

21 MR. DICHARRY: Thank you. My name is Gerald J.  
22 Dicharry, Jr. I'm the senior project manager for the U.S.  
23 Army Corps of Engineers in New Orleans.

24 Also with me today, I'd like to introduce  
25 Michael Stout, who is with me. He is not part of the



1 presentation but is here to provide some assistance if we  
2 need it. --- --

3 Again, thank you for inviting me to attend your  
4 hearing today. We appreciate the opportunity to provide  
5 the Corps' perspective on environmental justice in civil  
6 rights issues relative to the IHNC lock replacement  
7 project.

8 We have been requested to address several  
9 aspects of the project, and I'll address five of them that  
10 we have been requested to respond to. First is the Corps'  
11 jurisdiction and responsibilities over the industrial  
12 canal or the Inner Harbor Navigation Canal.

13 Excuse me. I use industrial canal and Inner  
14 Harbor Canal synonymous. They're the same thing, so if I  
15 happen to say that in my presentation, it means the same  
16 canal.

17 We own and operate the present industrial canal  
18 lock that provides a navigable connection between the  
19 Mississippi River and several navigation channels. These  
20 channels include the Gulf Intercoastal Waterway, the  
21 Mississippi River Gulf Outlet, and the Inner Harbor  
22 Navigation Canal.

23 The GIWW and the MRGO are federal navigation  
24 channels that we maintain. The Inner Harbor Navigation  
25 Canal is a non-federal waterway, owned and maintained by

1 the Port of New Orleans. The existing lock was placed  
2 into service in 1921, and while it's performed well for  
3 nearly 80 years, it is now obsolete and replacement with a  
4 more efficient lock is warranted.

5 The existing lock is just too small to  
6 accommodate modern maritime traffic and average delays to  
7 the navigation industry is eleven hours but can be as much  
8 as 24 to 36 hours on many occasions.

9 The IHNC lock replacement project involves  
10 construction of a new lock, flowed in -- a new flowed in  
11 lock in the existing canal just north of the present lock  
12 location with no residential relocations or significant  
13 interruptions of maritime or vehicular traffic.

14 And I'd like to point out here that a lot of  
15 times it's been referred to that we are widening the  
16 industrial canal. We are not widening the canal. The  
17 canal -- all the work that's going to be done for this  
18 project is within the existing flood protection that  
19 exists along the canal.

20 The locks itself will be widened to a wider  
21 width and will be lengthened to provide a more efficient  
22 navigation outlet through the canal, but the canal itself  
23 will not be widened.

24 The next aspect is the status of the project.  
25 This project was originally authorized in the River and

1 Harbor Act of 1956, and it was reauthorized by Congress in  
2 the Water Resources Development Act of 1986, which also  
3 established the cost-sharing for the project.

4 The Water Resources Development Act of 1996  
5 provided authorization for the community impact mitigation  
6 plan. In the fiscal year 1991 appropriations bill,  
7 Congress approved the project as a construction new start  
8 and provided \$3.8 million to initiate construction and to  
9 initiate implementation of the community impact mitigation  
10 plan.

11 In fiscal year 2000, we have completed a pile  
12 testing contract which included noise and vibration  
13 monitoring of the neighboring areas. We began  
14 implementation of the community impact mitigation plan,  
15 and we've continued engineering and design for the  
16 remaining features of the project.

17 Now, implementation of this community impact  
18 mitigation plan is a high priority as the project gets  
19 under way. We awarded a contract in September of last  
20 year to a team of consultants headed by GCR and Associates  
21 to establish a community-based committee and execute a  
22 partnering agreement with this committee to develop the  
23 procedures and priorities for implementation of this  
24 mitigation plan.

25 This is a multi-year contract that will

1 continue to involve the public in the implementation of  
2 this plan during the construction period. The team has  
3 set up the committee, executed a partnering agreement, and  
4 began the regular meetings in early March 2000.

5 A needs assessment and a proposed mitigation  
6 plan for the first three years of construction was  
7 completed in July of this year. We are presently  
8 developing strategies for implementation of those  
9 recommendations.

10 In keeping with our commitment to implement  
11 mitigation, even before construction of the project begins  
12 we awarded last month the first mitigation contract to  
13 Xavier University for initial job training effort to  
14 prepare people in the affected communities for work on the  
15 project. Additional mitigation measures will be implement  
16 beginning in fiscal year 2001.

17 And I might mention that the mitigation  
18 committee here has approved this job training as the  
19 initial pilot program for part of the mitigation effort.

20 We have been negotiating with the Port of New  
21 Orleans in the value of the real estate that they own that  
22 will be used for the project, and they own all the real  
23 estate along both sides of the existing canal within the  
24 flood protection. There's no additional rights-of-way or  
25 real estate required outside the flood protection works

1 along the canal, and they -- the Port owns it.

2           We have been talking with them. They haven't  
3 been satisfied with our initial offer, and we have  
4 prepared a supplement to our evaluation report  
5 recommending a possible change in the cost-sharing  
6 requirements for the project, and we are awaiting a  
7 decision by the Assistant Secretary of the Army for Civil  
8 Works in Washington to continue construction of the  
9 project.

10           We have three contracts ready for award. Two  
11 of them are demolition of the Galvez Street wharf and  
12 demolition of some businesses along the east side of the  
13 canal and construction of a short piece of levee and flood  
14 wall along the west side of the canal from St. Claude  
15 Avenue to the Mississippi River. We hope to get those  
16 awarded starting in January of 2001.

17           Next aspect I'll talk about is our efforts to  
18 address safety and environmental risks. During the public  
19 review of the draft evaluation report and the  
20 environmental impact statement in early 1998, concerns  
21 about the effects of the project on maritime safety were  
22 raised.

23           In a letter dated 14 May 1998 addressed to the  
24 Holy Cross Neighborhood Association, the National  
25 Transportation Safety Board stated that they had

1 previously recommended that the U.S. Coast Guard conduct a  
2 comprehensive risk assessment that considers all  
3 activities within the Port of New Orleans, including  
4 traffic in the Inner Harbor Navigation Canal.

5 A followup letter from the National  
6 Transportation Safety Board dated September 4 and  
7 addressed to the Tulane Environmental Law Clinic clarified  
8 that while they had recommended that a comprehensive risk  
9 assessment for the Port of New Orleans was needed, they  
10 did not require that this assessment be completed prior to  
11 issuance of the final EIS for the project.

12 In order to address these safety concerns  
13 expressed by the local community and the National  
14 Transportation Safety Board, and operational safety plan  
15 is now under preparation by the New Orleans District.  
16 This plan addresses safety issues associated with  
17 operation of the lock throughout the construction period  
18 and after completion of the project.

19 This plan addresses operational procedures for  
20 navigation use of the project, potential public health and  
21 safety impacts of the project, and emergency response  
22 planning. From this analysis, appropriate safety measures  
23 and response planning measures are being developed.

24 A review draft of the plan is nearly complete,  
25 and this report should be shared with the interested

1 parties upon completion in the next couple of months. I  
2 want to point out that we truly believe that this new  
3 replacement lock will improve the efficiency of the lock  
4 and canal than the existing situation, thereby we believe  
5 will reduce the risk of navigation accidents because we'll  
6 have a wider lock, wider bridges, and therefore, the  
7 barges will be able to go through the canal at a much more  
8 efficient operation.

9           The fourth aspect is our efforts to ensure  
10 meaningful participation by the residents in the affected  
11 area. Probably no public project in New Orleans history  
12 has been subject to more intensive and sincere public  
13 involvement efforts than this project.

14           Numerous meetings with the community interests  
15 have resulted in dramatic redesign of the project to  
16 greatly lessen its impact on the adjacent communities. A  
17 few examples include that we have now developed a plan  
18 that will require no relocation of homes by the project.

19           We have the -- one of the initial plans that  
20 was being proposed was to build the lock adjacent to the  
21 existing lock. That would have relocated 200 homes and  
22 800 to 1,000 people with that particular plan. That was  
23 the first plan that we went to the local people with back  
24 in the early 1990s to start talking to them about.

25           We heard how much -- how bad that plan was, and

1 so we went back to the drawing board and developed another  
2 plan that would not relocate any homes in the area but  
3 still be able to construct it in a larger lock -- excuse  
4 me; a larger lock could be constructed.

5 Also we have included a \$17 million temporary  
6 bridge at St. Claude Avenue that will provide  
7 uninterrupted flow of vehicular traffic during  
8 construction, thus minimizing traffic congestion during  
9 the construction period.

10 The Claiborne Avenue bridge is another bridge  
11 that will be replaced, and it will require closure of this  
12 vital traffic artery for only about two weeks. We're not  
13 going to replace the whole bridge. We're just going to  
14 replace the steel superstructure of the bridge.

15 As I said, the new lock will be built offsite  
16 and floated in to reduce noise and disruption, and  
17 innovative pile driving techniques will be employed to  
18 reduce noise impacts.

19 Now, we made these significant modifications  
20 which are estimated to cost about 60- to \$70 million.  
21 We've added 60- or \$70 million to the project cost as a  
22 result of listening to the communities because they had  
23 continuous problems with the plan that we were proposing.

24 To address the impacts that could not be  
25 completely eliminated, we developed a community impact



1 mitigation plan to be implemented as an authorized feature  
2 of the project. Now estimated to cost \$35 million, this  
3 plan was developed through a broadbased community  
4 participation process.

5 The plan includes direct and indirect measures  
6 to address impacts related to noise, transportation,  
7 cultural resources, aesthetics, employment, community and  
8 regional growth, and community cohesion. The authorized  
9 community impact mitigation plan is further evidence of  
10 the Corps' listening to the affected communities.

11 The actual components of the plan, our  
12 commitments to the continuing public input and our  
13 implementation of the plan, along with the construction  
14 features of the project, are a direct response to real  
15 community input.

16 The next paragraph on my prepared statement I'm  
17 just going to summarize here by saying that we are  
18 committed to continue this community involvement process  
19 throughout the construction period. Our contractor that I  
20 said that we have hired is going to continue this process  
21 of holding meetings with this committee, and they will  
22 continue to provide us input throughout the construction  
23 of the project.

24 From the beginning of this process, the  
25 committee has demonstrated its desire to share the results

1 of its working meetings with the general public prior to  
2 any final recommendations. In fact, the minutes of the  
3 CBMC, or the community-based mitigation meetings, are  
4 transcribed almost verbatim and posted on the committee's  
5 Website within approximately one week of their meetings.

6 In addition, the committee hosted an extremely  
7 successful public information workshop on June 20, 2000,  
8 to inform the public of their preliminary recommendations  
9 and receive public comments prior to issuing this initial  
10 needs assessment and first three-year mitigation plan  
11 report.

12 Recently, the committee has now decided to hold  
13 open public meetings four times a year to provide a forum  
14 where everyone's concerns can be addressed. In our view,  
15 the volunteer members of this community-based mitigation  
16 committee have done an outstanding job in representing  
17 their communities, and we are extremely appreciative of  
18 the time and energy they have devoted to this community  
19 involvement process.

20 We look forward to the continuing work of the  
21 committee as we implement the mitigation features of the  
22 project. The last aspect that we were asked to address is  
23 the compliance with NEPA and the Executive Order 12898 in  
24 regards to environmental justice.

25 We are fully complied with NEPA and the

1 Executive Order entitled Federal Actions to Address  
2 Environmental Justice in Minority Populations and Low-  
3 Income Populations. This statement is supported by the  
4 facts I will describe.

5 On May 4, 1999, the Holy Cross Neighborhood  
6 Association, representing one of the neighborhoods along  
7 the industrial canal, filed a complaint with the National  
8 Environmental Justice Advisory Council, NEJAC, of the U.S.  
9 Environmental Protection Agency alleging possible  
10 environmental justice violations with regard to the plan  
11 formulation and site selection for this project.

12 The petition stated that the Corps did not  
13 properly address the impacts of this project on the  
14 predominantly low-income and minority populations in the  
15 area around the existing canal. Their contentions are  
16 grounded as they state in the requirements of NEPA and the  
17 Executive Order 12898.

18 By letter dated August 12, 1999, and this  
19 letter is attached to your packet, the EPA responded that  
20 the Corps, and I quote, "Has appropriately and responsibly  
21 completed the decision-making process established by the  
22 National Environmental Policy Act."

23 In addition, the EPA concluded that, and again  
24 I quote, "The final environmental impact statement fully  
25 addresses environmental justice issues and evaluates them

1 in the alternative and impact analysis sections of the  
2 statement."

3 The EPA also cited the development of the  
4 community impact mitigation plan as demonstration of the  
5 Corps' responsiveness to environmental justice concerns.  
6 In another separate letter to Senator John Breaux dated  
7 December 21, 1999, the EPA again responded to Holy Cross  
8 Neighborhood Association's complaint and discussed the  
9 community impact mitigation plan in more detail.

10 I quote from that letter: "According to the  
11 final EIS, the construction associated with the lock and  
12 bridge replacement project will require no relocation of  
13 residents. While it is virtually impossible to eliminate  
14 all the impacts of construction, it is possible to  
15 mitigate the effects on the community and its resources.

16 "The community impact mitigation plan included  
17 in the selected project plan and documented in a final EIS  
18 is an admirable departure from the traditional Corps of  
19 Engineers' environmental analysis and mitigation  
20 planning."

21 The final part of this is on January 20, 2000,  
22 the Association of Community Organizations for Reform Now,  
23 ACORN, filed a motion in federal court for a temporary  
24 restraining order to halt our test pile contract, because  
25 they contended that we had not complied with the Executive

1 Order Number 12898 and that we had not received a permit  
2 from the Department of Transportation as required by the  
3 National Transportation Act of Section 4(f).

4 After a hearing on the facts of the case, the  
5 Court, on April 20, 2000, granted the Corps' motion for  
6 summary judgment, dismissing the suit and all of  
7 plaintiffs' allegations.

8 In summary, the Corps addressed environmental  
9 justice issues and complied with National Environmental  
10 Policy Act in its preparation of the EIS for the Inner  
11 Harbor Navigational Lock Replacement Project. The  
12 Environmental Protection Agency, in response to a National  
13 Environmental Justice Advisory Council inquiry, found that  
14 the Corps complied with all applicable NEPA and Executive  
15 Order 12898 requirements, and a federal district court  
16 found no cause of action under an Executive Order 12898  
17 violation claim.

18 Again, I want to thank you for the opportunity  
19 to make this statement before the commission today. I  
20 wanted to -- one other thing before I open it up for  
21 questions -- I wanted to respond about the Violet site. I  
22 know one of the questions that --

23 The one -- the main reason that the Violet site  
24 was not chosen was because it was going to destroy 10,000  
25 acres of wetlands in the area and all, and that was the

1 main environmental reason why that site was not chosen.

2 Thanks again for appearing before you today.

3 DR. FORD: Thank you, Mr. Dicharry. I'm sure  
4 we have questions?

5 VOICE: Oh, you'll look to the right, will you?

6 DR. FORD: Ms. Richardson.

7 MS. RICHARDSON: Good afternoon, sir.

8 MR. DICHARRY: How you doing.

9 MS. RICHARDSON: And thank you for appearing.

10 By way of backdrop, in civil rights law we try to look at  
11 not only the carrying out of the law itself, the letter of  
12 the law, but likewise the spirit of the law. You have  
13 outlined, I think, very nicely things that have met the  
14 letter of the law.

15 I do see some things where you're projecting  
16 further input and what-not as being reflective of trying  
17 to follow the spirit of the law. But one thing that  
18 caught my eye that I did not understand in light of all,  
19 firstly, with the Corps having its responsibilities that  
20 it has carried out for time immemorial -- the protection  
21 of rights of citizens as well as doing the physical things  
22 as engineers that you do.

23 It concerned me very much that -- put my  
24 readers on -- that when you were written -- when you  
25 received a letter from Tulane Environmental Clinic asking

1 about whether or not you do a comprehensive risk  
2 assessment ~~for~~ the Port of New Orleans, could that not be  
3 done? Was indeed that not needed prior to initiation of  
4 the process?

5 I think the letter answered that EPA did not  
6 require that this assessment be completed prior to  
7 issuance of the final EIS for the project. And my  
8 question is relative to that concern. In light of the  
9 spirit of the law, in light that I've heard somebody say  
10 this or something related there to it's been around for 40  
11 years or something, in following those wishes and needs of  
12 the people, the common person on the street, in trying to  
13 be very sure that the rights of all are protected, what  
14 was -- what is the haste in not conducting that  
15 comprehensive risk assessment prior to any further  
16 movement?

17 MR. DICHARRY: That is part of this operational  
18 safety plan that we are presently preparing right now, and  
19 it -- the operational safety plan does involve a risk  
20 assessment of the cargoes that, you know, will be going  
21 through the canal.

22 And I might mention that these -- the cargoes  
23 that will be going through the canal are the same cargoes  
24 that go through the canal. It's -- there'll be more of  
25 them, but again, it will be more -- be able to be going

1 through the canal at a more efficient rate because of the  
2 wider locks and the wider bridge openings and all.

3 What -- the risk assessment that we are doing  
4 is in response to that particular letter.

5 MS. RICHARDSON: So you're saying that you know  
6 there will be no -- I'm sorry -- you're saying that you  
7 know that this presents no greater risk than what is going  
8 on at present?

9 MR. DICHARRY: We don't anticipate --

10 MS. RICHARDSON: You don't anticipate.

11 MR. DICHARRY: -- showing any additional great  
12 risk to --

13 MS. RICHARDSON: Yes, sir. And those are the  
14 words that concern me as a committee member. Do not  
15 anticipate. And that's fine. You have to project, you  
16 have to plan, and I know I'm not supposed to debate. This  
17 is going to be response to my query.

18 What is your timeline then for the risk  
19 assessment that's a part of the plan?

20 MR. DICHARRY: Within the next couple of  
21 months, we ought to be able to finalize that plan and be  
22 able then to submit it out for public review.

23 MS. RICHARDSON: Not as the federal government  
24 usually says, With all deliberate speed?

25 MR. DICHARRY: We'll get it.



1 DR. FORD: We're on the right for a moment.

2 Mr. Morris---

3 MR. MORRIS: I too want to thank you for a  
4 well-prepared statement. I have a question concerning  
5 community involvement, and I heard a group of persons just  
6 prior to you getting up had a problem with some things  
7 that you're doing, and you said that you held a meeting or  
8 you hold meetings, and that there is a free flow of  
9 information.

10 And I noticed that on -- I believe it was June  
11 20 of this year, 2000, that you held an informational  
12 meeting, and that informational meeting was to inform the  
13 public of their preliminary recommendations and receive  
14 public comment.

15 Was there an evaluation after the meeting of  
16 how well that meeting was attended and what was the  
17 outcome of that, and what was the community's sentiment  
18 based on that? And when you finish with that, then I have  
19 another question about some other things.

20 MR. DICHARRY: Well, the June 20 meeting was  
21 held by the community-based mitigation committee. They're  
22 the ones that ran the meeting. The Corps was -- didn't  
23 run the meeting. We were there to answer questions and  
24 all.

25 They -- the committee members were there. They

1 coordinated with the community people that attended. It  
2 was well attended by a number of community people. They  
3 discussed the preliminary mitigation recommendations that  
4 the committee had come up with prior to that date and  
5 discussed them with the community and asked the community  
6 to provide comments concerning those particular mitigation  
7 measures.

8 And then once they evaluated that input from  
9 that meeting, the committee then made their final  
10 recommendations for the first three years of construction.

11 MR. MORRIS: Okay. Also, you stated that after  
12 your community meetings and the input that you get, you  
13 post that on your Website. How many hits are you getting  
14 to that Website?

15 MR. DICHARRY: It's not a Corps Website. It's  
16 actually a Website maintained by the contractor who is  
17 the, you know, facilitator for the community-based  
18 mitigation committee. It's -- I'm not sure. I can't  
19 answer that question, to tell you the truth, right now.

20 The minutes also, Mike has reminded me that the  
21 minutes of all the meetings are also posted in one of the  
22 local libraries in the affected communities, so anyone can  
23 go and see the minutes of the meetings and all.

24 MR. MORRIS: Thank you.

25 DR. FORD: Okay. Ms. Bourg has a question.

1 MS. BOURG: You mentioned that that's the same  
2 cargo will go through after the project that's going  
3 through the project now. So if that be the case, then why  
4 would you need the project, except, of course, that you  
5 said it would go through more efficiently.

6 So to go through more efficiently, I would  
7 assume that the carriers of the ships would be larger.  
8 And if in fact they're larger, they're carrying more  
9 stuff. And if they're carrying more stuff, it might be an  
10 increased risk to the people should there be some  
11 incident.

12 So how do you address the residents' concern  
13 about this increased risk?

14 MR. DICHARRY: What I meant when I said the  
15 same cargo, I said the same type of cargo, I should have  
16 said. And rather than -- it's going to be a lot more  
17 cargo. There's no doubt about it. Once the newer lock is  
18 there, even though we have been criticized about our  
19 projections for economic, you know, futures, there will be  
20 additional tonnage going through that canal.

21 And the risk assessment that I was talking  
22 about is taking that into consideration -- the additional  
23 amount of cargo that will be transported through this lock  
24 when it's completed and all.

25 MS. BOURG: Then I must have misunderstood your

1 previous comment. Perhaps I did misunderstand it; that  
2 there was no increased or significantly increased risk.  
3 Yet I'm hearing the residents say they are very concerned  
4 about larger ships, which means if there was a mishap, it  
5 is certainly a larger risk. How will you mitigate that  
6 and their concern?

7 MR. DICHARRY: Well, I guess I should say that  
8 based on a preliminary assessment we might -- we think  
9 that there's not any significant increase in risk. There  
10 is going to be some increase in risk, but -- and we are  
11 looking at that in our risk assessment.

12 So I guess I should qualify that by saying that  
13 based on very limited knowledge right now, we don't think  
14 there's going to be any increase in risk because the  
15 bridges now are very narrow, okay, and the lock is very  
16 narrow, okay.

17 And so when you have a narrow opening, a narrow  
18 corridor, it's more risky for the barges and ships and all  
19 to go through there. With wider bridge openings and wider  
20 lock, that's what I'm saying is we think that it's going  
21 to be less risky.

22 MS. BOURG: So if there were a mishap with this  
23 larger amount of stuff that might dangerous at any given  
24 time, do you have a disaster plan, a relief plan? And are  
25 the residents that might be impacted by this mishap

1 satisfied, or do you believe that you will be able to do  
2 certain things to satisfy them. If so, what might that  
3 be?

4 MR. DICHARRY: As part of this operational  
5 safety plan, we are developing response plans. And once  
6 we've finalized this draft report, we will then give it  
7 out to the committee, to the community, and get responses  
8 from the community on these response plans that we have  
9 developed in case there was any accident during the  
10 project -- during the operation of the project.

11 DR. FORD: Ms. Madden.

12 MS. MADDEN: Yes. The previous speakers  
13 complained that they had been excluded from the mitigation  
14 committee. What's your side of the story?

15 MR. DICHARRY: Well, unfortunately, that issue  
16 has been brought to federal court. The American Civil  
17 Liberties Union has filed a suit in federal court  
18 concerning that issue about openness of the committee and  
19 how the committee was formed and those kinds of issues,  
20 and it's still pending in court, so I cannot discuss  
21 any -- give you any of my opinions today.

22 MS. MADDEN: If I could ask a followup  
23 question. There was a firm mentioned, I think, in your  
24 letter that facilitated the creation of the mitigation  
25 group. Is that a PR firm or what kind of company is that?

1 MR. DICHARRY: No. It's a firm that has done  
2 typical, similar type work in developing community  
3 involvement programs. In fact, they were involved in  
4 developing a community program for the building of the  
5 second grid of New Orleans Bridge in New Orleans, and so  
6 they've had some experience in developing community input,  
7 getting out into the neighborhoods, getting -- extracting  
8 the right information from these neighborhoods and all.

9 MS. MADDEN: Thank you.

10 DR. FORD: Was there another question? Mr.  
11 Quigley.

12 MR. QUIGLEY: Mr. Dicharry, in the handout from  
13 the Holy Cross Neighborhood Association, they said -- they  
14 had mentioned you by name to say that you assured  
15 neighborhood groups and a neighborhood working group that  
16 the project would not take place if the community did not  
17 want it. Is that a misunderstanding, or what is the story  
18 on that?

19 MR. DICHARRY: When I may have said that, it  
20 was responding to -- referring to that previous plan that  
21 was going to relocate 200 homes. And I have never said  
22 that with this particular plan that we are proposing now.  
23 But I might mention, I'm a civil engineer senior project  
24 manager here in New Orleans, and I don't speak necessarily  
25 for the Corps of Engineers.

1 MR. QUIGLEY: Can you tell us why the City  
2 Council of New Orleans -- they say in here that the City  
3 Council of New Orleans is on record opposing this project.  
4 Is that correct?

5 MR. DICHARRY: I think, if I remember  
6 correctly, their opposition was qualified by saying until  
7 all studies are completed, you know, they would not  
8 support the project, if I -- and I may be -- I think I'm  
9 paraphrasing it. Something similar to that that I -- it  
10 wasn't just, We're opposed to the project. There was some  
11 qualifying language about, Until additional studies are  
12 done and communities involved in the process and those  
13 kinds of things.

14 MR. QUIGLEY: And is it your position then that  
15 when those studies are done, you're going to make that  
16 available to the City Council of New Orleans?

17 MR. DICHARRY: Yes.

18 MR. QUIGLEY: Those are the studies you were  
19 talking about earlier?

20 MR. DICHARRY: Well, they have been given all  
21 the studies to date that we have finalized. And this  
22 operational plan study, we will give that to the City  
23 Council also for their review.

24 MR. QUIGLEY: And the main push for this is the  
25 maritime industry. Is that correct -- to try to improve

1 shipping traffic in and around New Orleans?

2 - MR. DICHARRY: To improve the -- mainly the  
3 barge traffic through that canal. It is going to be a  
4 lock that will be able to accommodate ships, but even with  
5 that, the majority of the traffic will be -- will still be  
6 barge traffic through the new lock.

7 MR. QUIGLEY: And the final question. Is the  
8 congressman for that area, Congressman Jefferson, is he on  
9 the side of the neighborhood group or is he on your side  
10 or has he taken --

11 MR. DICHARRY: He has supported the project.

12 MR. QUIGLEY: He's supporting the project as  
13 is.

14 DR. WRIGHT: I have a question.

15 DR. FORD: Now, I would like to get Ms. Edwards  
16 in before we take our first break, so could this be the  
17 last question or is there another burning one after?

18 DR. WRIGHT: I have a question.

19 DR. FORD: Okay.

20 DR. WRIGHT: I think I would be remiss if I  
21 didn't ask questions about public participation, since my  
22 history in this environmental justice movement is all  
23 around public participation and involvement. So I'm still  
24 really interested in what happened with the Holy Cross  
25 Neighborhood Association's participation in the project.



1 Who's made the final decision that ultimately removed Holy  
2 Cross ~~from the~~ mitigation committee process? Or could you  
3 give me more information on that?

4 MR. DICHARRY: Unfortunately, that's part of  
5 that lawsuit, Dr. Wright, and I can't -- I've been advised  
6 by my lawyers not to speak specifics about that.

7 DR. FORD: Okay. Even though we said --  
8 Thank you very much for your comments.

9 MR. DICHARRY: Thank you.

10 DR. FORD: Appreciate it.

11 We do have enough time, since this is a very  
12 patient group, to have one more presented before we stop  
13 for dinner. I'd like to call to the podium Ms. Tia  
14 Williams -- Tia Edwards, Director of Public Affairs for  
15 the Louisiana Chemical Association.

16 MS. EDWARDS: Before I begin, my name is Tia  
17 Edwards. I am the public affairs director for Louisiana  
18 Chemical Association.

19 I will also be joined by Edward Flynn, who is  
20 the director of health and safety with Louisiana Chemical  
21 Association as well. He's passing out some information to  
22 you. Our remarks are in the folders that you will receive  
23 in addition to some general information about the  
24 Louisiana Chemical Association and our member companies.

25 Louisiana Chemical Association is a trade

1 association representing chemical manufacturers in the  
2 State of Louisiana. LCA represents 74 member companies  
3 with over 100 manufacturing sites across Louisiana, and we  
4 employ over 33,000 men and women.

5 These companies basically manufacture the  
6 building blocks of our lives. Modern --

7 DR. FORD: You have to talk directly into it.

8 MS. EDWARDS: Right directly into it. Okay.

9 All right. Close. Okay.

10 As I indicated, LCA member companies basically  
11 manufacturer the building blocks of our modern lives, from  
12 antibiotics to zippers.

13 In 1992, we welcomed the opportunity to join in  
14 partnership with the U.S. Commission on Civil Rights and  
15 the Louisiana Advisory Committee to discuss environmental  
16 justice-related issues and the impact of the environment  
17 on health and overall quality of life of our citizens here  
18 in Louisiana.

19 Over the past eight years we have, as LCA  
20 member companies, aggressively sought to do our part to  
21 create a healthy environment for all Louisiana citizens.  
22 We view our responsibility to Louisiana's environment very  
23 seriously, and we welcome the opportunity to continue to  
24 dialogue and to partner with our neighbors and our  
25 regulators and others in business and industry to develop

1 viable solutions for cleaner, healthier, and a safer  
2 Louisiana.---

3 Over the last decade, LCA has taken a very good  
4 and hard look at the way we conduct business, and a lot  
5 has been learned. We recognize our environmental  
6 responsibility to make sure our facilities are operated  
7 safely and healthy.

8 We recognize our economic responsibility, and  
9 most importantly, we also recognize our social  
10 responsibility to listen and respond to the needs and  
11 concerns of our communities.

12 LCA member companies contribute significantly  
13 and positively to our local communities and to the state  
14 as a whole. But our significant contributions to the  
15 economy, education, workforce, and the community in  
16 general have not been enough to change the negative  
17 perceptions of our industry by the average Louisiana  
18 citizen, and particularly those of color, minorities, and  
19 poor citizens.

20 We recognize that many of our neighbors are  
21 still challenged by inadequacies; inadequate housing,  
22 education, health care, and access to community resources.  
23 And environmental justice concerns grew from these social  
24 ills and these challenges that continue to plague black,  
25 minority, and poor communities.

1           LCA member companies recognize that we have a  
2     role -- a role as good corporate citizens and neighbors to  
3     support and, in some cases, to take the lead in developing  
4     efforts that will begin to eradicate many of these  
5     challenges faced by our communities.

6           So what have we done in the last eight years to  
7     respond to EJ concerns? LCA member companies have made  
8     significant progress and accomplishments by focusing on  
9     efforts and initiatives that have helped to empower black,  
10    minority, and poor citizens in our communities near our  
11    facilities.

12           But before we did one thing, before we created  
13    one program, before we donated one dollar, we did  
14    something, and that was we listened. We listened to our  
15    near neighbors by talking to them in their homes, in their  
16    churches, in their schools, civic organization meetings,  
17    and places of work.

18           And we learned that, number one, listening is a  
19    pretty good thing and that it's been something that we  
20    really have not been doing a very good job at. And the  
21    number two thing that we learned is that our neighbors  
22    value our participation and they value our input.

23           But something that we also learned from this,  
24    and that was it's not just enough to listen. Dialogue is  
25    good, but action is better. We learned that in order to

1 begin to respond to what we heard, we needed a better  
2 system.

3 Thus, our Community Advisory Panels, or CAPs,  
4 as we call them, were born. Today over 25 CAPs are active  
5 in making a difference throughout industrial parishes in  
6 Louisiana. As advisory groups, these panels are made up  
7 of community members and representatives of local plants  
8 and act as a bridge between the plants and the surrounding  
9 community on matters of concern to the community and of  
10 common interest.

11 The CAPs meet regularly and members establish  
12 the meeting agenda. Topics range from economics,  
13 environment, education; hiring practices, and health  
14 concerns as well as transportation issues.

15 One good example of a CAP that has been  
16 operating for over ten years is Dow Chemical's plant in  
17 Plaquemine, Louisiana. They just celebrated their ten-  
18 year anniversary this year. By listening in our CAPs,  
19 through participation in numerous neighborhood outreach  
20 programs, we've gained a better understanding of community  
21 and environmental justice concerns and challenges.

22 We have learned that we have a role -- a very  
23 important role -- to help to provide viable solutions to  
24 these challenges. Our neighbors have spoken. We have  
25 listened, and we have responded.

1           So what did our neighbors tell us? Our  
2 neighbors told us, first of all, that they want us to  
3 operate safe, clean facilities while protecting the  
4 environment. LCA member companies are environmentally  
5 conscious and are committed to continued reduction of  
6 overall air, land, and water emissions.

7           Give you a good tangible example of that.  
8 Shell Norco Chemical plant, as a part of their  
9 comprehensive good neighbor initiative, is committed to  
10 reducing their toxic release inventory, TRI, as we call  
11 it, their emissions by over 30 percent in the next three  
12 years.

13           As also a part of this initiative, Shell has  
14 committed to enhance operational performance such that the  
15 number of episodic releases, such as flaring, for example,  
16 will be reduced by 50 percent over this three-year period  
17 as well.

18           In fact, industrywide, LCA member companies  
19 have spent billions on environmental equipment and  
20 systems. And although production continues to rise, LCA  
21 member companies consistently have reduced emissions to  
22 air, land, and water.

23           Since 1987 overall emissions have been reduced  
24 by 80 percent. Our companies are committed to raising the  
25 environmental bar and go far beyond what is required by

1 our regulators. Emission reduction and excellent  
2 environmental performance are not the only areas where  
3 we've made substantial progress.

4 Through responsible caring initiatives that  
5 have helped to increase communication with our neighbors,  
6 the environmental community and state and federal  
7 regulators, we learned that it is our environmental  
8 responsibility, again, to keep our doors open and to  
9 initiate dialogue with our community in order to gather,  
10 maintain a cleaner and healthier environment.

11 At this moment I'd like to turn it over to my  
12 colleague, Ed Flynn, who will go into a little bit more  
13 detail about our responsible care and safety initiatives  
14 with our member companies.

15 MR. FLYNN: Thank you, Tia.

16 Good afternoon. My name is Edward Flynn. I'm  
17 the director of health and safety affairs for the  
18 Louisiana Chemical Association.

19 As Tia mentioned, LCA's 74 companies employ  
20 almost 33,000 Louisiana men and women. Every day and  
21 night these people use their training, their education,  
22 and their experience to safely manufacture chemicals that  
23 are essential for products that are both lifesaving and  
24 life-enhancing.

25 All these people dedicate themselves to the

1 responsible use of chemistry to benefit industries'  
2 ultimate customer, the general public, including every  
3 single person in this room. What goes on at local  
4 chemical plants results in the things we all take for  
5 granted; the ordinary, familiar, everyday useful and  
6 desirable consumer products that we all want or need:  
7 antibiotics, soaps and detergents, medicines,  
8 pharmaceuticals, cosmetics, computer and sports equipment,  
9 agricultural fertilizers, seat belts, sunscreen,  
10 antifreeze -- the list goes on and on.

11           Everyday products we all buy at local grocery,  
12 hardware, drug, hobby, auto, and other retail stores all  
13 get started at LCA member companies plants. In the  
14 manufacture of these products, no one wants an accident.  
15 Nobody wants to see anyone hurt. No one wants to damage  
16 the environment.

17           Chemical industry employees want the same  
18 things as everyone else: good health, a clean environment,  
19 a safe workplace, a decent place to live. Let me very  
20 clear. Chemical plants are run by people, not by  
21 machinery. And every LCA member company feels a deep  
22 societal and economic investment in the safety and well-  
23 being of these people, their families, and their  
24 communities.

25           This afternoon I wish to speak briefly about



1 several voluntary chemical industry safety environmental  
2 and community initiatives that are alive and well here in  
3 Louisiana. These programs are in place because chemical  
4 manufacturers understand and recognize that their license  
5 to operate in any community is a privilege and not a  
6 right.

7 In 1988 a new way of doing business was  
8 unveiled. That new way of doing business was their  
9 chemical industries' and is the chemical industries'  
10 responsible care program. What is responsible care?

11 Well, it is now a voluntary ten-year-old effort  
12 that seeks to continuously improve the safety,  
13 environmental, and health performance of the chemical  
14 industry, and to do so in line with public concerns and  
15 expectations. In essence, it's a public commitment.

16 Now, responsible care came about because of the  
17 chemical industry's poor image during the mid to late  
18 1980s. The root cause of this negative view was the  
19 industry's insufficient and at times inappropriate  
20 response to legitimate public concerns about the health,  
21 safety, and environmental impacts of its operations and  
22 products.

23 Senior managers realized that the industry was  
24 not meeting public expectations. And because our  
25 industry's survival depends on both improved performance

1 and community support, responsible care was intentionally  
2 designed as a major long-term and ambitious set of  
3 initiatives that goes beyond regulatory requirements and  
4 focuses on continuous improvement in all aspects of  
5 chemical manufacturing.

6 The basic ingredients of responsible care are  
7 six codes of management practices. They are the key to  
8 defining and implementing the initiative, and I want to  
9 take a moment and highlight those six.

10 There's Community Awareness and Emergency  
11 Response, or the CARE Code, which fosters community right-  
12 to-know, dialogue with near neighbors, and emergency  
13 preparedness.

14 The Distribution Code looks to reduce risks to  
15 communities and the environment from the transportation,  
16 storage and handling of chemicals.

17 Pollution Prevention commits the industry to  
18 ongoing efforts to protect the environment by generating  
19 less waste and reducing emissions to air, land and water.

20 Process Safety is designed to prevent  
21 accidents. This code is based on the idea that facilities  
22 will be safe if they are engineered, operated and  
23 maintained properly and inspected regularly.

24 The fifth code is Employee Health and Safety,  
25 which is designed to protect and promote the safety and

1 health of people working at and visiting chemical plants.

2           - The last of the codes is the Product  
3 Stewardship code, which is intended to make health,  
4 safety, and environmental protection a critical part of  
5 designing, manufacturing, marketing, distributing, using,  
6 recycling, and disposing of company products.

7           An important element of responsible care is the  
8 direct inclusion of the public through programs, as Tia  
9 mentioned, like Community Advisory Panels. In addition, a  
10 company's commitment to responsible care must be total and  
11 it now must be checked through an independent and third-  
12 party process known as a Management Systems Verification,  
13 or MSV.

14           An MSV team is composed of members of the  
15 public, other representatives of industry, and a  
16 facilitator. The team looks to evaluate and report on a  
17 company's commitment to responsible care and make  
18 recommendations where or when a company needs to improve  
19 or enhance an aspect of their operations.

20           Here in southwest Louisiana, both PPG  
21 Industries and Condea Vista are responsible care member  
22 companies, and both, I believe, have gone through  
23 Management System Verifications.

24           Additionally, many other LCA companies, in  
25 addition to the two mentioned by name, subscribe to the

1 responsible care ethic, and every LCA company works to  
2 manufacture, package, and distribute their products in the  
3 safest and most environmentally responsible manner.

4 A second proactive chemical industry initiative  
5 I'd like to mention is the TRANS CARE program. The  
6 acronym stands for Transportation Community Awareness and  
7 Emergency Response. What is TRANS CARE?

8 TRANS CARE is a voluntary community outreach  
9 program intended to address public concerns and reduce  
10 risks around the transportation of hazardous materials.  
11 TRANS CARE creates partnerships between chemical  
12 manufacturers, distributors and transporters with local  
13 communities and local emergency management planning and  
14 response groups.

15 TRANS CARE is alive and well in Louisiana.  
16 There are many participants, including Grace Davidson,  
17 PPG, Montell, Georgia Gulf, Condea Vista, Lyondell, and  
18 many others located along the Mississippi River.

19 Also participating in TRANS CARE are the  
20 Louisiana state police, parish local emergency planning  
21 committees, mutual lay groups, and other business and  
22 industry organizations and companies.

23 TRANS CARE is especially oriented to  
24 communities that may not host an industrial facility but  
25 could be located along a transportation corridor through

1 which chemicals are shipped.

2       - The last program I'd like to bring to the  
3 committee's attention is LCA's S.A.F.E. program. S.A.F.E  
4 stands for Serious About Fostering Excellence. The  
5 S.A.F.E. program has three goals. Number one, to reflect  
6 every LCA member's commitments to continuous improvements  
7 in health, safety, and environmental performance.

8               Two, to measure, track, and drive member  
9 performance using several existing key indicators or  
10 metrics. And three, to provide recognition opportunities  
11 for excellence by those LCA members who are achieving  
12 extraordinary results beyond regulatory requirements in  
13 safety, environmental performance, and community  
14 involvement.

15               Like the TRANS CARE program, the S.A.F.E.  
16 program was not in place when this committee last visited  
17 Louisiana in 1992. S.A.F.E. was launched in 1998 as a  
18 voluntary effort open to every LCA member company. Public  
19 domain information, the kind that plants must submit to  
20 federal and state regulatory authorities, is used to  
21 measure safety and environmental performance.

22               Community involvement is also a key component  
23 of the S.A.F.E. program. The 1999 information is being  
24 evaluated right now, but let me just mention a couple of  
25 things from the 1998 program. In the areas of employee or

1 contractor safety, EquiStar, Condea Vista, CertainTeed,  
2 Montell USA, Louisiana Pigment, PPG, Grace Davidson are  
3 all Calcasieu Parish plants recognized for their  
4 accomplishments to promote, achieve, and sustain safe  
5 workplaces.

6 In the areas of environmental performance,  
7 CertainTeed, Grace Davidson, Condea Vista, PPG, Montell  
8 USA in Lyondell, local plants here in southwest Louisiana  
9 recognized for their efforts to prevent or minimize any  
10 negative impact that their operations have on the  
11 environment or the community.

12 And perhaps the most important category,  
13 community involvement, Grace Davidson, Condea, Lyondell,  
14 Montell, PPG, West Lake, and 31 other LCA members located  
15 in communities such as Burnside, LaPlace, Convent,  
16 Geismar, Donaldsonville, St. Gabriel, Norco, Baton Rouge,  
17 Hahnville, Addis, Luling, Garyville, and Plaquemine were  
18 recognized for major efforts to make their communities  
19 better, safer, nicer places to live, work, and enjoy.

20 As I said earlier, every LCA member company is  
21 committed to the communities in which they have the  
22 privilege to operate. All LCA members are equally  
23 committed to operational safety, environmental  
24 responsibility, and continuous performance improvements in  
25 both these areas.

1                   That concludes my formal remarks.

2                   DR. FORD: Okay. Does that conclude your  
3 remarks, too?

4                   MS. EDWARDS: Well, I had a few more things to  
5 say, but --

6                   DR. FORD: Okay. Continue.

7                   MS. EDWARDS: I talked at the beginning of my  
8 statement about our environmental as well as economic and  
9 social responsibility. I will touch briefly, in the  
10 interest of time, on our economic as well as our social  
11 responsibility.

12                   It's no secret that LCA member companies and  
13 the chemical industry in Louisiana is a major catalyst for  
14 the state's economic viability. And it's absolutely  
15 essential to its future. As we mentioned, over 33,000 men  
16 and women work directly for our chemical industry, but --  
17 and that pays about 1.5 billion annually in salaries and  
18 wages.

19                   In fact, for every job within the chemical  
20 industry, another seven are generated in the state, and  
21 this basically is going to translate to about 250,000 jobs  
22 for Louisianians.

23                   Not only are our LCA member companies committed  
24 to economic stability and growth but we're also committed  
25 to hiring and spending locally. And an example of that

1 would be our Dow Chemical -- again, in Plaquemine -- that  
2 spends 65.7-million in equipment and supplies purchased  
3 from businesses right there in their neighboring parishes.

4 Another example of that is Exxon Mobil that  
5 utilizes the service of Wallace Printing, which is an  
6 African-American-owned printer in the North Baton Rouge  
7 community to develop and to actually publish and print  
8 their community newsletter that's distributed quarterly.

9 So our member companies have a commitment not  
10 only to the state economic viability but also their local  
11 parishes and communities.

12 Touching on our social responsibility,  
13 workforce and education initiatives are very important to  
14 us. We realize that the economic impact on our local  
15 economy is significant, but it doesn't mean anything  
16 unless people are working and unless they have an  
17 opportunity to be employed.

18 We began, through listening, heard our  
19 communities' concern about education, and LCA shares that  
20 concern and has made enormous strides in this area. LCA  
21 member companies support a number of programs and  
22 initiatives that encourage the development of future  
23 workforce.

24 From scholarship programs, hands-on science  
25 programs, our nationally-recognized Chem Friends and Chem



1 Pals programs, inroads, back to school programs with 100  
2 black-men -- we believe that the only way to make  
3 substantial progress in our educational system is to work  
4 together to create partnerships of educators, parents and  
5 others, and we have pledged to do just that.

6 One particular initiative that you'll find in  
7 your folder is our higher education program which  
8 encourages and provides resources to teachers as well as  
9 to students, information about the skills needed to work  
10 within our industry, which in average pay over \$50,000 a  
11 year.

12 We found that many of our young people need  
13 some connections to real world in terms of what they learn  
14 in the classroom, and higher education -- higher, meaning  
15 H-I-R-E, is how we spell it -- connects classroom  
16 experiences to real life and real work jobs.

17 It doesn't stop here. The number of teacher  
18 institutes like the ones at Condea Vista and PPG, along  
19 with training seminars and workshops that help to extend  
20 teachers' knowledge of our industry, that allow them to  
21 transfer this into their classrooms.

22 As we begin the 21st century and the age of  
23 high tech and information, our member companies are also  
24 concerned that the quality of the Louisiana workforce is  
25 not going to be where we need it to be in terms of living

1 in this fast-paced high tech society.

2 - And as a large manufacturing employee, we have  
3 an obligation. We have a responsibility to educate our  
4 workforce for the future. But again, through our  
5 listening, we learned that in our neighborhoods where our  
6 facilities are, many of those people do not have the  
7 skills to work within our facilities, and we listened and  
8 learned that we needed to provide opportunities to provide  
9 those skills and the training necessary.

10 So thus was born our PTEC program, our Process  
11 Technology Program, where we actually, through a two-year  
12 associate degree program and partnership with the  
13 community and with the community college system and the  
14 governor's office, have developed a proactive training and  
15 skills program to develop process technicians for the  
16 future.

17 We're looking at from the next five to ten  
18 years a shortage of 5,000, and we want to hire locally  
19 right in our community. So the PTEC has allowed us to be  
20 able to go into communities and to train young people with  
21 the skills required to work within our industry.

22 Residents in our communities tell us that they  
23 want to work, and we are committed, and the chemical  
24 industry is committed to providing them the skills that  
25 are necessary.

1           Because Louisiana and our parishes and our  
2 communities are our homes, too, we live there, too, LCA  
3 member companies and employees contribute countless hours  
4 and invest millions of dollars in programs and projects,  
5 from Adopt-A-School programs to the Audubon Zoo.

6           We're serious about supporting our communities,  
7 and our partnerships help to continue to foster dialogue  
8 between industry and the community residents, and we feel  
9 that they are hallmarks to our success.

10           One real good example of that, and I will end  
11 here, is the Shell Norco Good Neighbor Initiative. For  
12 years, the community and the Shell plant, there existed a  
13 lack of communication, and lack of understanding, and a  
14 lack of trust.

15           Now, Norco and Diamond, with the connection  
16 with Shell Chemical, is a good example of a community that  
17 has changed for the better since the last time the  
18 committee was here.

19           Through a multi-year, multi-dollar Good  
20 Neighbor initiative, Shell Norco plans to invest millions  
21 of dollars for projects designed to improve the Norco and  
22 Diamond community.

23           This resulted from significant community  
24 dialogue and many hours of working together. A \$1 million  
25 trust fund to help to finance community projects, such as

1 community beautification, youth leadership training,  
2 scholarships and job skills trainings for community  
3 residents will be developed.

4 So where do we go from here? Where can our  
5 communities turn for help, support and resources to  
6 address their concerns. We feel that our communities need  
7 look any further than our plants themselves that are in  
8 our neighborhoods, because we're their neighbors, too.

9 We welcome the opportunity to talk, to listen,  
10 and above all, to respond.

11 Thank you.

12 DR. FORD: Thank you, Ms. Edwards and Mr.  
13 Flynn.

14 Questions? Ms. Bourg.

15 MS. BOURG: I have three questions if I might  
16 ask them.

17 DR. FORD: It's late. You can ask three.

18 MS. BOURG: First, I think you're to be  
19 commended for the investment in Louisiana's communities  
20 and for the educational pieces and the safety pieces. I  
21 am, however, concerned in that in Calcasieu Parish, the  
22 PPG and the Condea Vista are members of the Louisiana  
23 Chemical Association.

24 They are both been in Responsible CARE program.  
25 As a matter of fact, one of them has received a Safe

1 Recognition. And yet, if you look at the meat and  
2 potatoes of the toxic releases, in 1997 as compared to  
3 1998, the toxic releases by PPG in all three categories --  
4 fugitive air releases in pounds, stack air releases in  
5 pounds, and total air releases in pounds -- have all  
6 increased significantly from '97 to '98.

7 And if you were to look at Condea Vista, in two  
8 of those categories, they increased. And so the  
9 educational pieces and the investments are important, but  
10 the citizens are still concerned about the life quality  
11 and the undue burdensome impact on communities that are  
12 protected classes that we are looking at.

13 So how do you explain that, can you do anything  
14 about, and secondly -- the second question is: Do you  
15 have these discussions with the Calcasieu CAPs so that  
16 they know about the increase in these toxic release  
17 reports, and are they okay about that with you?

18 And then thirdly, and the last question I have,  
19 in 1993 you stated to the committee in testimony -- the  
20 Louisiana Chemical Association stated that, We will  
21 continue to support a well-funded DEQ and strong  
22 environmental enforcement.

23 So my question would be: What has been done by  
24 the Louisiana Chemical Association to push for the  
25 increased funding and a stronger DEQ and -- as you stated

1 in '93 and as you gave testimony before the Commission and  
2 the committee? --

3 MR. FLYNN: Let me try and address some of the  
4 questions. With regard to the TRI numbers, I think one  
5 thing that needs to be kept in mind is the realization  
6 that the TRI program began in 1987, and that when you look  
7 at emissions since the inception of the program in 1987  
8 that there has been a significant and dramatic and  
9 extensive and largely consistent overall reduction in  
10 emissions, not just in Calcasieu Parish, but throughout  
11 the Louisiana Chemical industry.

12 Now, it's difficult to make -- it's  
13 unfortunately difficult to make apples to apples, if you  
14 will, comparisons in reductions, because the federal EPA  
15 has continued to expand the TRI over years by adding  
16 additional chemicals and continuing to add additional  
17 reporting requirements on not just manufacturers but now  
18 on other industries.

19 So we need to keep that in mind. When you look  
20 at a short-term situation, as you indicated, from 1997 to  
21 1998, I think that there may be perhaps an increase in the  
22 emissions. But when you look at the overall reduction from  
23 1987, the beginning of the program, that's where you  
24 hopefully get a more accurate and more -- a larger  
25 perspective of the kinds of emissions, reductions, and

1 pollution prevention and waste minimization efforts that  
2 the industry has been committed to.

3 The other thing to keep in mind with regard to  
4 TRI; in addition to the addition of new chemicals that are  
5 continued to add is that production among many LCA member  
6 companies is up, and that can contribute at times to  
7 increased environmental emissions.

8 But I think what Responsible CARE provides is  
9 certainly a mechanism and a framework through the  
10 Pollution Prevention Code, for sure, that commits the  
11 industry, individual member companies, every member of the  
12 CMA or now the American Chemistry Council, to ongoing,  
13 long-term waste minimization and pollution prevention  
14 activities.

15 And that looks at both air emissions, water  
16 discharges and others, so there may an increase in one  
17 sector in a particular period, but the point I'm trying to  
18 make is that overall, there's certainly significant  
19 reductions that have taken place throughout the industry  
20 here in Calcasieu Parish and elsewhere.

21 With regard to the second part of your question  
22 which -- I'm trying to think now --

23 MS. EDWARDS: The CAPs.

24 MR. FLYNN: Oh, the CAPs. The CAPs. That's  
25 right.

1 MS. BOURG: It was the discussions you're  
2 having with the CAPs and are they informed about these  
3 increases in Calcasieu from these companies, and how do  
4 you handle those discussions.

5 MR. FLYNN: The Community Advisory Panels  
6 are -- I've had the privilege to speak to two Community  
7 Advisory Panels in the ten years that I've been with the  
8 LCA. And the CAPs operate as an autonomous organization,  
9 and they basically set the agenda. They decide what kinds  
10 of information they want to know about it, be it regarding  
11 transportation issues or employment issues, or if there is  
12 an incident with respect to operational activities or  
13 TRI -- each one of the CAPs that -- the 25 or 28 CAPs that  
14 operate in the state are autonomous bodies.

15 They're all facilitated, but essentially, the  
16 plants respond to what the members of the public and the  
17 folks who are active on the CAPs choose to hear. And if  
18 they want to know about TRI issues, well, then they're  
19 going to say, We want to know about it, and then the  
20 plants bring in the people who can provide the information  
21 and the answer.

22 So while I can't speak with specificity with  
23 regard to Calcasieu Parish Community Advisory Panels, I  
24 can speak to the fact that CAPs decide what they want to  
25 know about, and then the plants do what they can, bend



1 over backwards, literally, to make sure that they provide  
2 the CAPs with what they want.

3 For example, I spoke just recently, in the last  
4 month or so, to a CAP down in St. John the Baptist Parish  
5 that is sponsored by Nalco Chemical, Stockhausen, and  
6 Marathon Oil. And I got a call a week before the CAP  
7 meeting saying that there was something that they wanted  
8 to be informed about. And I made it my point to be there  
9 and to talk to the CAP. So that's about the CAPs.

10 With regard to the LCA testimony in 1992 before  
11 the Commission regarding a stronger DEQ enforcement, that  
12 is -- let me see if my colleague would like to answer that  
13 question. I'm not sure. I just -- I'm --

14 VOICE: Well, you're doing fine.

15 MR. FLYNN: Well, I'm trying to look to  
16 specific examples where in fact LCA has made progress in  
17 that area, and I apologize to the members of the committee  
18 for not being able to provide you with specific  
19 information.

20 If there's opportunity, however, to get an  
21 answer to the committee, we would certainly be happy to do  
22 that.

23 MS. BOURG: Thank you. And I appreciate your  
24 earnestness in answering that. It was clear in the  
25 testimony that you had supported increased funding and

1 increased enforcement of the DEQ in '93. Thank you very  
2 much.

3 MR. FLYNN: Thank you. I apologize for not  
4 having an answer here, but we will commit to providing an  
5 answer to the committee to that question.

6 DR. FORD: Thank you. I'm looking to the  
7 right. Oh.

8 MS. RICHARDSON: Yes, sir. You're getting  
9 good.

10 Thank you. I'm glad my colleague opened the  
11 traditional environmental area, because while you both  
12 really are dressed for success and you're very, very  
13 articulate, you were telling me more than I wanted to know  
14 about some facets of your operation without addressing  
15 what today was about.

16 Nevertheless, now that that door is opened,  
17 we're going to go to this broadened definition then of  
18 environment, like if you make more money you can therefore  
19 have maybe a home where you can avoid these emissions.  
20 And let's just call environment whatever has now been put  
21 on the table.

22 I think my favorite TV show is The Practice,  
23 and the judge says, There are things you cannot address  
24 unless one of the lawyers opens it up. Then the other one  
25 has a right to walk in and talk about it.

1 I want to talk about contracts and jobs and  
2 what-not, and you may not have come with these data but  
3 you can address it at least in a generic way.

4 Contractual, entrepreneurial opportunities were mentioned  
5 by way of Wallace Printing, which is certainly a very fine  
6 business by any color or anything.

7 Would either of you have information about the  
8 percentage then of the company's contracts that are going  
9 to minority and female-owned businesses?

10 While you think about that one, and we may as  
11 well look at the whole employment picture, and while I  
12 know the numbers of employees at plants are good, because  
13 I grew in this community; then moved to Baton Rouge.  
14 Nobody knows more about plants as far as numbers than I  
15 do.

16 But I'm curious as to your member associations  
17 and what levels, say, what percentage managers have you?  
18 And then what happens at the next level and the next  
19 level? In most American firms, it's kind of like at the  
20 bottom we have the janitors and the laborers, you know.  
21 That's big.

22 And then the further up you go, you've reached  
23 this point where the percentage is almost immeasurable.  
24 So would you kindly tell me something about your member  
25 companies as far as their contract percentages are

1 concerned; and not just percentages of persons, but  
2 percentages of the companies' contracts that they give  
3 out. And then please tell me likewise about employees.

4 MS. EDWARDS: As you indicated, I do not have  
5 the figures. I wasn't prepared to answer that in terms  
6 with the figures here --

7 MS. RICHARDSON: Yes, ma'am. But you opened  
8 it.

9 MS. EDWARDS: -- that would give you that  
10 information. But we'll be more than happy to provide that  
11 information and collect that data and give it to you.

12 I guess the way that I can respond to that,  
13 just in being a Baton Rouge citizen, growing up in Baton  
14 Rouge, and also being a product of my grandfather working  
15 at what was Standard Oil, now Exxon. And back -- he was a  
16 laborer. He was a common-folk laborer, and he worked very  
17 hard.

18 And I look now at the industry and look at the  
19 job opportunities that are available for the laborers,  
20 which are very few because of the change in technology and  
21 where we're moving with the 21st century.

22 We have not done a very good job at making sure  
23 that there were people who looked like me that were at the  
24 table and in positions that had decision-making. But I  
25 think now the opportunity for us, and what we have done is

1 taken the opportunity to look at the past, look at the  
2 inadequacies that exist, and begin to develop  
3 opportunities through programs and training and skills  
4 development through education that will allow more of  
5 those who look like me and look like you to be able to be  
6 in positions that will be able to be skilled into the 21st  
7 century into those jobs.

8 So yes, you are correct, and we know that, and  
9 we -- again, that's a part of our listening process. And  
10 now it's our responsibility to respond to that. And our  
11 member companies are committed to doing that, and we are  
12 working right now.

13 For example, with our PTEC program that I told  
14 you about, and you can look in more detail with our  
15 remarks, about how we are going and making a concerted  
16 effort to make sure that our neighborhood residents are  
17 aware of opportunities; that no longer are there  
18 opportunities just for the laborers.

19 These are opportunities for more education and  
20 more highly technical and skilled. And to be able to do  
21 those jobs, we have to provide that training in those  
22 programs. And PTEC is a very good example of that.

23 But I will get that data for you in reference  
24 to contracts and to our minority hiring practices.

25 MS. RICHARDSON: Mind you, not practices.

1 Numbers or percentages or whatever, because everybody is  
2 under a mandate from the world, you know, to have a policy  
3 or a statement that says, You're going to do right by  
4 everybody. But some finite data, please..

5 MS. EDWARDS: Yes.

6 MS. RICHARDSON: And corollary to that, maybe  
7 we should ask about programs in the communities that are  
8 most affected by the emissions, the whatever disparate  
9 things are happened in certain communities.

10 And finally, it is said that when John Adams  
11 left for the Constitutional Convention, his wife yelled  
12 out, John, don't forget the women. He forgot the women.  
13 We didn't get a vote till a hundred years later. Don't  
14 forget the data on women as a protected class as well.

15 Thank you.

16 MS. EDWARDS: Okay.

17 MR. MORRIS: Because you mentioned in your  
18 paper two things that I'm very familiar with, the back to  
19 school program that Dow did and North Baton Rouge  
20 Neighborhoods United, and I know that both plant managers  
21 were intimately involved in both of those operations --  
22 that's why those operations are successful.

23 In Calcasieu Parish, based on what we know  
24 about the community involvement, because we heard that  
25 testimony this morning, how intimately involved are the

1 people at the very top to getting the community involved  
2 into the process of community restoration where it should  
3 be; for instance, like in North -- with North Baton Rouge  
4 Neighborhoods United.

5 MS. EDWARDS: Well, specifically, what member  
6 companies I can speak to you from what I know in terms of  
7 what feedback I get from our member companies. PPG, for  
8 example, I know that they are actively -- actively  
9 involved as well as Condea Vista in community programs.

10 I personally, where plant managers have  
11 requested our assisted with their teacher institute, for  
12 example, providing teachers an opportunity to be able to  
13 extend their level of knowledge where the plant managers  
14 themselves have been a part of the sessions with the  
15 teachers and have invited me to come in and talk about  
16 initiatives and opportunities for teachers to extend their  
17 knowledge.

18 So that's just one tangible example. I'm sure  
19 that when you -- when our representatives from PPG and  
20 Condea Vista are here this evening, they can give you  
21 specifics.

22 But you're correct. When the plant manager and  
23 when the commitment is there from the top, it flows  
24 through, and everyone understands that commitment, and the  
25 programs work. The Exxon Mobil is a very good example of

1       how it works.

2                And our efforts and our commitment is to begin  
3       to get more of our plants to follow suit, such as Dow, as  
4       well as Exxon Mobil. So I can continue to say we have --  
5       we've done a lot. And as I said, one thing that we've  
6       done that we haven't been doing very good on, and that is  
7       listening.

8                We've learned that we had to do that. We've  
9       learned that we have a responsibility, and that  
10      responsibility is to be good corporate citizens. And the  
11      best way to do that is to listen and dialogue, and most of  
12      all, to respond.

13              MR. FLYNN: Let me just add a couple of  
14      comments to that because I think the whole nature of the  
15      title plant manager has changed dramatically over the  
16      years. We think that years ago it was probably enough to  
17      be a chemical engineer and an operational kind of  
18      individual and run the plant and to things safely and  
19      lawfully, and that was enough.

20              And while those components of the job certainly  
21      continue to this day, the typical LCA plant manager is an  
22      individual -- could be a male or a female; might be  
23      African-American or it might be white, but at this point  
24      the person has got those kinds of social skills and  
25      abilities to spend time away from the plant.



1           Normally, the person who's running the plant is  
2 the Number 2 person. The plant manager, the senior site  
3 manager, spends so much time away from the plant in terms  
4 of community activities and outside the fence line types  
5 of programs, be they educational or other community, that  
6 it's really the Number 2 individual at the plant who  
7 basically takes care of operational safety.

8           And the site manager, generally he or she has  
9 got other global responsibilities for their corporation,  
10 but also spends just countless numbers of hours in terms  
11 of community activities, be they United Way or the YMCA or  
12 YWCA types of programs, are on the boards of directors and  
13 community libraries or educational foundations or blood  
14 banks or Red Cross -- I mean, the list goes on and on and  
15 on.

16           And we can cite specific examples of plants up  
17 and down the river as well as here in Lake Charles the  
18 kinds of activities that those plant managers are involved  
19 in. And they do that not because it's -- they don't have  
20 anything else to do, but because it -- I think it  
21 represents and it's reflective of the corporate and, I  
22 would daresay, industry commitment, recognizing that it  
23 takes a lot more than just running a plant to be able to  
24 maintain operations in communities today.

25           DR. FORD: Dr. Wright.

1 DR. WRIGHT: I'm not sure that I have question,  
2 but I have a couple of comments, and they may be seen as  
3 questions as well.

4 But I found it really interesting when you gave  
5 your explanation for why the numbers for Condea Vista and  
6 the other plant had not gone down, and I just wonder if  
7 you think that a person who lives fence line with Condea  
8 Vista would be at all interested in the fact that the  
9 numbers overall for the parish or Calcasieu Parish had  
10 gone down, but where they live, it was still increasing.

11 And I'm making that statement because  
12 oftentimes in the work that I do, I meet the public  
13 relations people who are all very, very nice people, who  
14 do very nice things in the community -- they work with  
15 Adopt A School, they give barbeques and all these kinds of  
16 things, they get to know the people by first name -- and  
17 then they're always so shocked when they go to a meeting  
18 and these same people attack them.

19 And I believe it's because they're missing the  
20 point. It has nothing to do with the relation -- personal  
21 relationship that you build. It has to do with the  
22 reduction in emissions, and sometimes relocation where  
23 people want out of the area where they live, or they want  
24 improved conditions.

25 And so I oftentimes see the public relations

1 person as the canary, because the public relations people  
2 come, they can talk about all the good things but they  
3 can't answer any of the hard questions. And the people  
4 who need to be here to answer those questions are not, and  
5 then we're facing the really nice people that we really  
6 like, that we've gotten to know through the different  
7 programs and so on.

8 But that does not change the quality of life or  
9 the state of affairs for the people who are presenting  
10 their case or their problem. And I'm trying -- I try so  
11 hard to try to, you know, to get over this. I want to be  
12 nice to nice people, and I'd really rather be nasty to  
13 people who can really be -- who have some control or power  
14 or who can answer our questions.

15 But it always ends up this way, and I see you  
16 two as very nice people, but Condea Vista and the  
17 neighborhoods that we're talking about have some conflicts  
18 here, and you know, then you have give me this explanation  
19 of why their numbers aren't down.

20 I guess what I'm saying to you is that that  
21 means nothing to the people who are affected by Condea  
22 Vista or the people who are sick or the people with dioxin  
23 in their blood. The truth of the matter is that when I  
24 listen to you, I almost feel that Louisiana is just this  
25 really great place, and the Louisiana Chemical Association

1 is just this wonderful, wonderful organization.

2 But I also recognize the severe fights that  
3 we've had with particular companies. There's some  
4 companies who are excellent companies. But there are  
5 others within your organization who are not. They're  
6 really terrible companies.

7 And so I'm not comforted when I see Condea  
8 Vista listed in all of these programs. It's not  
9 comforting at all to me. And I know I'm rambling, but I  
10 just kind of needed to get this, you know, off of my chest  
11 with the public relations kind of presentations that we  
12 get, a lot of really, really nice people.

13 The other question that I have, and it's not --  
14 may be a statement as well, is that the State of Louisiana  
15 has as much oil as Texas and more natural gas, but we are  
16 a very poor state as opposed to what's going on in Texas.

17 And so if the Louisiana Chemical Association is  
18 putting so much money into our state and we should be so  
19 grateful, then why the hell -- oh, excuse me -- then why  
20 are we so poor?

21 And I believe that there are a lot of things  
22 going on in the way when you talk about DEQ, looking for a  
23 stronger DEQ and more funding for DEQ, I get concerned  
24 because I wonder how much funding of DEQ is Louisiana  
25 Chemical Association providing that may have something to

1 do with the lack of enforcement, because then if you  
2 support a particular agency, then they have to be more  
3 responsive to you than they are to me or citizens.

4 I'm not really asking for a response. It's not.  
5 really a question. It's just some things that I'm  
6 thinking about as you're talking, and this is not an  
7 attack to you two as individuals. And it's not an attack  
8 to any specific company, except maybe Condea Vista.

9 But these are things that we think about, you  
10 know. To be honest, I would like to see the state move in  
11 a direction away from these chemical manufacturing plants,  
12 because there is an inverse relationship between poverty  
13 and economic development with polluting industries.

14 And so while you're here, we're glad you're  
15 here for what you are contributing. But in terms of our  
16 future and economic development, you've been here 40, 50  
17 years and we're still poor, so why should we think that  
18 your continuation will mean economic prosperity?

19 I'm not for any company that's here to leave,  
20 but certainly not looking for more to come. And it seems  
21 that we are targeted to get just more of what we've  
22 gotten. That for us reads more poverty, since this is  
23 where we are.

24 And I'm going to stop here.

25 DR. FORD: Contrary to popular belief, that was

1 not a speech.

2 Ms. Robinson has a question.

3 This is the last question, because it is time  
4 for dinner.

5 MS. ROBINSON: What I hear here amongst the  
6 committee members, and what I hear what you said versus  
7 the questions that they have asked and your ability to  
8 answer many of these questions is that there is a gap  
9 between your perception of the situation and the people  
10 that live in and around these communities and the general  
11 public.

12 And so the question becomes, you have some  
13 wonderful programs, but how effective are they? How are  
14 you implementing them? And then the next question is if  
15 everything is rosy and peachy-creamy, why are we here  
16 today, seven years later?

17 DR. FORD: I assume you want to respond to  
18 that.

19 MR. FLYNN: Yes. Thank you.

20 MS. EDWARDS: Yes. Then I want to.

21 MR. FLYNN: Thank you for the question. If I  
22 can just make a couple of comments.

23 I'm not sure that I would agree with your  
24 statement that we -- with -- that there's a gap in our  
25 perception. But I will admit and acknowledge a certain

1 level of frustration on my part individually, because I  
2 was here in 1992.

3 I've been with the Chemical Association for ten  
4 years, and I was at Pleasant Hall on the campus of LSU in  
5 Baton Rouge when the Advisory Committee first visited  
6 Louisiana. And I can tell you that I have talked with  
7 people in some of the communities that I mentioned in my  
8 comments earlier, and I have listened to and heard and  
9 felt the frustration that people who are long-term  
10 residents in some of those communities have expressed with  
11 regard to a lack of understanding or information about  
12 plants that they have grown up nearby.

13 And at the same time, I have talked to the  
14 kinds of community relations and site management people at  
15 the plants who very genuinely speak to unprecedented  
16 levels of effort, sweat equity, roll-up-your-sleeves kind  
17 of effort, to make themselves more available and open and  
18 transparent and make information available to people in  
19 communities and near neighbors and residents.

20 And there is a -- it's like two ships passing  
21 in the night. The plants are working to try and make  
22 information available about themselves, and certainly  
23 people in the communities want to know information about  
24 the plants, so I agree with you.

25 And I agree with people who have spoken about

1 the need for better efforts, bottom line kinds of efforts,  
2 to promote constructive harmony between the plants and the  
3 communities. There are good faith efforts by -- on the  
4 part of the plants, and there are certainly desires on the  
5 part of people in the community to want information and  
6 answers to legitimate questions.

7           Somehow, it's not working good enough. And all  
8 I can say is that Responsible CAER is one system in place  
9 that provides a framework for an ongoing, committed effort  
10 to genuinely address public concerns. It is an effort  
11 that will never end, because people have the right to know  
12 as much as they can about plants that operate in their  
13 communities.

14           MS. EDWARDS: And if I could just add just to  
15 that, I -- what we have given you and what we thought we  
16 had given you today are some tangible examples of things  
17 that we have done since 1992 or '93. Some of the  
18 improvements. Some of the accomplishments.

19           And to show you that there are committed  
20 efforts out there to be able to develop the kinds of  
21 accomplishments that we all can feel good about. This  
22 will only happen if we continue to work together.

23           And, you know, I can speak. Ed says he was  
24 here ten years ago. This -- I've been at Louisiana  
25 Chemical Association a little over a year. My background



1 is not the chemical industry. My background is education  
2 and nonprofit and higher ed.

3 So I have a totally different perspective  
4 coming in and looking at something very fresh, different,  
5 and new. And in every area that I have seen with  
6 nonprofit, with higher ed, the only way that changes come  
7 about and the only way improvements can happen is if we  
8 all continue to work together.

9 We need to know what you want. We need to know  
10 what it is that we need to do to respond. We have given  
11 you some examples, some tangible examples of what we have  
12 done based on dialogue and based on recommendations. But  
13 we need to know what we need to do to be able to be what  
14 it is that is enough.

15 MS. BOURG: I'd like to respond to that, and  
16 that is in addition to the Responsible CAER program with  
17 your members and the S.A.F.E. program with your members,  
18 perhaps you might consider something that you might call  
19 the SMCR program -- Stop the Pollution, Monitor the  
20 Impact, Clean it up, and Make Restitution.

21 DR. FORD: I'd like to thank the two of you for  
22 your comments to the committee.

23 We will reconvene here at 6:30 p.m. That's a  
24 little earlier than our schedules say, but that's because  
25 we are leaving a little late. And we'll start with

1 Richard Metcalf from the Louisiana Mid-Continent Oil & Gas  
2 Association.

3 (Whereupon, at 5:30 p.m., the hearing was  
4 recessed, to reconvene this same day, Tuesday, September  
5 12, 2000, at 6:30 p.m.)  
6

E V E N I N G   S E S S I O N

6:50 p.m.

1  
2  
3           MS. RICHARDSON: -- presider for this, the last  
4 segment of today's marathon.

5           Some of you have had the privilege of drifting  
6 in and out. The committee has been here all day, so I  
7 feel sure they are going to cooperate with you in helping  
8 me to move this meeting along.

9           At this time, we will go into our -- what is  
10 this -- second session. All of that today was just one  
11 session? Okay, if you say so.

12           Our next presenter is Richard Metcalf. He's  
13 from the Environmental Affairs Department of Louisiana  
14 Mid-Continent Oil and Gas Association.

15           We are asking presenters, for the sake of  
16 helping us to get back on schedule, if you would be kind  
17 enough to summarize your presentation, your full  
18 presentation will be entered into the record, and then  
19 let's see how much more questions and answers bring out.

20           Now, if that process leaves something to be  
21 desired, you may feel free in your summary to point out  
22 anything else that is pertinent that we may have  
23 overlooked.

24           Okay. Good evening, and thank you, Mr.  
25 Metcalf.

1 MR. METCALF: Thank you very much.

2 Ladies and gentlemen, members of the  
3 Commission, and members of the public, my name is Richard  
4 Metcalf. I am the health, safety and environmental  
5 affairs coordinator for the Louisiana Mid-Continent Oil &  
6 Gas Association.

7 MS. RICHARDSON: I'm sorry, sir. They say  
8 they're not hearing you in the back. Speak directly into  
9 it as you're doing now.

10 MR. METCALF: I'm trying to speak directly.

11 MS. RICHARDSON: Okay. Go.

12 MR. METCALF: Louisiana Mid-Continent is a  
13 trade association which represents individuals and  
14 companies who together produce, transport, refine and  
15 market about 90 percent of the crude oil and natural gas  
16 in Louisiana and from the areas just offshore of Louisiana  
17 in the Gulf of Mexico.

18 We represent 15 of the 19 refineries in the  
19 state, including the two major refineries here in Lake  
20 Charles -- the Citgo and Conoco refineries. Mid-Continent  
21 has represented the oil and gas industry in Louisiana  
22 since 1925.

23 Mike Lyons was supposed to give the  
24 presentation here tonight and Mike could not make it. He  
25 testified before this Commission in 1992 and would like

1 for me to express his regrets for not being able to be  
2 here tonight.

3 In the interest of time, our remarks tonight  
4 focus on the relationship of the refining industry in  
5 Louisiana to the communities in which they operate. As  
6 you requested, I will try to focus on how that  
7 relationship has changed over the past eight years since  
8 your last hearing.

9 In addition, Commission staff asked that we  
10 express our thoughts on the second draft of EPA's  
11 environmental justice guidance document. In this regard,  
12 we feel that EPA has addressed many of our concerns with  
13 Draft 1 of the environmental justice guidance document.

14 Draft 2 has more clarity and better definition  
15 of the process required for formally addressing  
16 environmental justice claims. The guidance also suggests  
17 activities that affected agencies and permit applicants  
18 can undertake to minimize the likelihood of EJ complaints  
19 in the future.

20 Louisiana refineries have already initiated  
21 many of these recommendations either individually or  
22 through the support of agency rule-makings to improve the  
23 permitting process. We still have concerns with some  
24 areas of the guidance where a lack of clarity is still an  
25 issue, but overall, the document is much improved, and we

1 commend EPA for the improvements.

2           With respect to the refining community  
3 relations over the last decade, we'll briefly discuss  
4 three areas in the time allowed. These are community  
5 outreach and community involvement, continuing efforts to  
6 reduce emissions and provide a safer environment, and  
7 commitment to education and training in the diversity in  
8 the workplace.

9           With respect to the first area, all of our  
10 member refineries in the state are involved in major  
11 community outreach efforts designed to better communicate  
12 with their neighbors. We want to listen to community  
13 concerns and to better inform residents of the facility's  
14 activities and plans.

15           Each of our refinery members has community  
16 action panels or similar community dialogue programs. The  
17 effort to better understand community concerns and  
18 communicate with our immediate neighbors has been  
19 significantly increased since 1992.

20           In addition to this dialogues, there's a  
21 serious effort to involve community members early in the  
22 permit process. When we plan plant modifications, we want  
23 the community to understand what those modifications will  
24 involve over time.

25           As the community surrounding our facilities has

1 changed and communities' expectations have changed, we  
2 have changed as well. We are committed to improving this  
3 dialogue.

4 MS. RICHARDSON: Sir, I'm sorry to say people  
5 are still signalling that they cannot hear. I don't know  
6 if there's a volume problem on the microphone.

7 MR. METCALF: It starts to go in but then it  
8 fades out.

9 MS. RICHARDSON: It fades out. Just as loudly  
10 as you can, and we apologize. That was about it.

11 MR. METCALF: Once again, we have a lot of  
12 examples and in the interest of time, many of these  
13 examples are identical to examples given by the Louisiana  
14 Chemical Association, and we will just answer those in the  
15 record.

16 As we testified in 1992, it is our strong  
17 belief that each community is unique and each of these  
18 facilities needs to engage in a dialogue that seeks better  
19 understanding of the uniqueness and work towards  
20 addressing the special needs of their neighbors.

21 We have always been committed to the overall  
22 community in which we operate. We generally are one of  
23 the major taxpayers in the parishes in which we operate,  
24 and this translates into better funded school systems,  
25 transportation systems, sewage and drainage systems in our

1 communities.

2           As indicated earlier, each of our refineries is  
3 involved in a wide variety of community projects. Other,  
4 you know, -- and we will go through -- I won't go through  
5 some of the United Way and those types of things, in the  
6 interest of time.

7           Many have undertaken beautification projects to  
8 improve the overall community. One refinery has a regular  
9 safety fair and a health fair for the neighboring  
10 communities such that they can improve their personal  
11 safety and health as they operate around the house and  
12 things around their house. There's also -- one has a  
13 minority leadership program designed especially for the  
14 community.

15           Let me move on to emissions, because that seems  
16 to be something that you want to hear about. In our  
17 effort to improve our relationships with our neighborhood  
18 communities is -- one of the major things we've done has  
19 been to reduce emissions.

20           Refineries have been significantly reducing  
21 emissions in Louisiana for decades through the use of  
22 improving technology. The best example I can give you is  
23 this. Hydrocarbons, or volatile organic compounds, as  
24 they're known to environmental people, historically  
25 represent the largest single source of air emissions from



1 a refinery.

2           These VOC emissions also include most of the  
3 few air toxics we're allowed to -- permitted to release.  
4 Since 1970, we have reduced VOC emissions from refineries  
5 by approximately 90 percent. In fact, the total of all  
6 VOC emissions from Louisiana refineries in 1996 is less  
7 than one-half of what the emissions from a single refinery  
8 was in 1970.

9           The commitment to reduce emissions is a  
10 continuing commitment. Since 1993 benzene air emissions  
11 from refineries have dropped 44 percent. MTBE emissions  
12 to the air are down by 47 percent. Xylene emissions are  
13 down 30 percent.

14           These are three main either carcinogens or  
15 suspected carcinogens we have from our refinery  
16 operations. All or part -- all of these are part of the  
17 overall hydrocarbon reductions achieved by Louisiana  
18 refineries.

19           As a result of efforts like these, Louisiana  
20 refineries have been recognized for environmental  
21 leadership and voluntary reduction efforts by both the DEQ  
22 and EPA. As we continue to reduce emissions, it's also  
23 important to remember that we have done so while  
24 significantly increasing capacity.

25           In order to remain competitive in the world

1 marketplace, we must become more efficient and more  
2 versatile. While we have reduced hydrocarbon emissions by  
3 90 percent since 1970, we have doubled distillation  
4 capacity from 1.3 million barrels a day to 2.7 billion  
5 barrels a day.

6 Along with our commitment to reduce emissions  
7 is a related commitment to safety. Refinery operations  
8 remain among the safest workplaces in the manufacturing  
9 sector. The rate of job-related injuries and illnesses in  
10 U.S. refining in recent years has been four times lower  
11 than the overall rate among U.S. manufacturing facilities  
12 and has been declining at a significantly greater rate  
13 than the overall manufacturing sector.

14 Louisiana safety statistics from our Department  
15 of Labor indicate that performance of Louisiana refineries  
16 is even better than the national average. While we feel  
17 our overall environmental safety achievement in recent  
18 years is noteworthy, we are committed to doing even  
19 better.

20 We do have occasional emergency releases or  
21 odors which we are continually attempting to minimize. We  
22 have had some historical issues which we are dealing with  
23 today and learning from. These are issues which we want  
24 to address in a responsible way and which we do not want  
25 to repeat.

1           We are committed to continuous environmental  
2 and safety improvement. Our ability to reduce emissions  
3 and become more efficient is directly related to changes  
4 in our refinery employment practices. We want to hire  
5 from the local community and we want our workforce to  
6 represent the diversity of our local neighborhoods.

7           As refineries have modernized, the refinery  
8 workforce has changed and educational requirements for  
9 employment have become more rigorous. This is a direct  
10 result of the technological improvements in the refining  
11 industry.

12           For example, Louisiana refineries today utilize  
13 computer technology wherever possible. More and more  
14 refinery jobs today require significantly more than a high  
15 school education. Undoubtedly, educational and training  
16 requirements will continue to rise as refineries become  
17 more and more efficient.

18           Education is key to the future employment  
19 opportunities, and we are committed to enhancing education  
20 and training opportunities in our local communities. With  
21 respect to diversity in the workplace and educational  
22 training opportunities in local communities, each of our  
23 member refineries is and has long been committed to  
24 actively recruiting and hiring members of minority  
25 communities.

1           To this end, our refinery members have  
2           increased minority employment over the last decade. The  
3           Conoco refinery, who you'll hear from later, for example,  
4           has increased minority employment by 22 percent since  
5           1993.

6           For the facilities we represent and have  
7           employment data, virtually all have increased minority  
8           hiring. Minority training and employment is another area  
9           which we have a longstanding and continued commitment.

10          Education is of utmost importance in every  
11          community in which we operate. In each of our  
12          facilities, there's a serious commitment to education in  
13          local communities. You heard a lot of programs undertaken  
14          by the Chemical Association members. Our members  
15          undertake similar programs or are in the same identical  
16          programs where we share co-located facilities.

17          As the world around us change, we must change,  
18          too. All of Louisiana refineries in Louisiana were  
19          initially constructed between 1909 and 1980. In virtually  
20          every case, the refinery was constructed in a rural  
21          setting with very few neighbors.

22          While this continues to be the case for some  
23          refinery locations, in others communities and  
24          neighborhoods develop near refinery operations. There was  
25          a time when many, and perhaps most of those in these

1 neighborhoods, worked in the refinery.

2           - That was a time when there was no interstate  
3 highways and intricate transportation systems, as there  
4 are today. You lived where you worked. As improvement in  
5 transportation has made it possible to live almost  
6 anywhere and continue to work in local refinery,  
7 neighborhoods changed over time.

8           In addition to the change in neighboring  
9 communities, overall community expectations also changed.  
10 We are expected to reduce or eliminate emissions wherever  
11 practicable. We expect ourselves to be the safest  
12 workplace practicable.

13           In order to remain competitive, we must change  
14 and be more efficient. Sometimes we are required to make  
15 changes for benefit of national goals, which may increase  
16 local emissions but significantly reduce emissions on a  
17 national level. The new gasoline sulphur requirement is  
18 an example of that.

19           These are the challenges we face today. They  
20 are vastly different than the challenges we faced in 1909,  
21 1942, or 1948, when many of the refineries were built. We  
22 are just committed to meeting today's challenges as we've  
23 been in meeting those of yesterday.

24           Meeting today's challenges will require better  
25 dialogue and understanding, new innovative programs,

1 better education and training, and continued emissions  
2 reductions. We have demonstrated our desire to change and  
3 better meet the challenges of today, and we're committed  
4 to continuous improvement in each of these areas in the  
5 future.

6 Thank you very much for letting me read this  
7 statement.

8 MS. RICHARDSON: Okay. Ms. Bourg.

9 MS. BOURG: Thank you for your testimony. I  
10 noticed that on the second page of your testimony, you use  
11 the Conoco refinery and Conoco Company as an example of  
12 the community outreach in working with CAPs. Their fire  
13 safety, the promoting the fire safety for children,  
14 Special Olympics, boys and girls villages, and the  
15 statement on the page right before that that there's a  
16 better effort to understand community concerns.

17 And I note that on the 1998 toxic release  
18 inventory air releases for Calcasieu Parish, Conoco has  
19 increased its releases and fugitive air releases in pounds  
20 and also in total air releases in 1998 over 1997.

21 I notice also that in the West Lake ambient air  
22 monitor data, the benzene ambient air standard would be  
23 3.76 parts per billion, and yet in 1995 it was 11.11 and  
24 in '96 it was 65.63, and in '98 it was 6.58, so that  
25 there's a history of exceeding the acceptable standard.

1           Aside from the fact that in '94, since this  
2 committee met, Conoco had a very terrible explosion in '94  
3 next to the Mossville community. And I think -- it  
4 doesn't seem that it's going in the right direction.  
5 Could you address that?

6           MR. METCALF: Yes. I'll answer the questions  
7 that I can.

8           First of all, when it comes to calculating TRI  
9 emissions, fugitive emissions are the greatest source of  
10 emissions from any --

11          MS. RICHARDSON: Not loud enough.

12          MR. METCALF: I can only scream in it.

13          MS. BOURG: Try turning it up.

14          MR. METCALF: But it fades out. I'm sorry.

15          But fugitive emissions are the greatest source  
16 of emissions from a refinery. These are based on -- every  
17 time you have a valve, much like you have a valve on your  
18 sink at home, there's a gasket associated with that. EPA  
19 gives us factors to use to calculate the amount of  
20 emissions that come from those types of components, and  
21 those factors get refined every year and are changed.

22          And so some of the variations from year to year  
23 may come -- and quite often do come -- from new, revised,  
24 more up-to-date factors provided to the industry through  
25 either industry studies or EPA studies or studies done in

1 conjunction with the two.

2 All refineries undergo a very extensive valve  
3 leak detection program, where they go out on a quarterly  
4 or semiannual basis and actually sample the stems of each  
5 of these valves, and there's hundreds of thousands of  
6 components, even millions of components, in some  
7 refineries for these leaks to keep these emissions as  
8 small as possible.

9 So that may be one of the reasons for why there  
10 may be a variation in fugitive emissions. I believe your  
11 second question was on benzene emissions. Once again,  
12 benzene is a very common compound; probably the most  
13 common of the toxic compounds in fuels.

14 You know, there is benzene in your gasoline.  
15 And the monitor that is out there in the field -- you said  
16 the West Lake monitor -- there are several potential  
17 sources, some of which may be the refinery, some of which  
18 may be transportation on the roads that go by.

19 I would have to look at the individual numbers,  
20 but emissions from cars emit benzene. Gasoline in cars  
21 have benzene in it. And so there's lots of sources of  
22 benzene in the environment, both from transportation  
23 sources and industrial sources, and that is one of the  
24 things I think the new network that they're putting out  
25 more monitors in this area will help pin down where are



1 the sources of those emissions.

2 - If they're the refineries and, you know, I can  
3 almost assure you they will take steps to further reduce  
4 those emissions.

5 MS. BOURG: Do you feel that a response to the  
6 community concerns that we've heard, which were really  
7 around, as they put them, sort of life and death and  
8 health and quality of life, do you feel that there needs  
9 to be a response to those concerns perhaps more than the  
10 promotion of the programs around Special Olympics.

11 Those are all important programs. My question  
12 would be: I'm not sure how that addresses the concerns  
13 around the data that the community brought forward.

14 MR. METCALF: And I will tell you this. When  
15 we were here in 1993, we were just in the beginnings of  
16 community outreach. The Chemical Association was way  
17 ahead of the refining industry. We have noticed that our  
18 definition of community has changed.

19 It used to be the whole Baton Rouge community,  
20 the whole Lake Charles community. As the world has become  
21 more global, our true community has become more focused to  
22 those people next to us, and this is one of the things we  
23 have really learned in the last year or two is community  
24 is not that overall civic community -- the City of Lake  
25 Charles. It is really that group that's next to the

1 plant.

2           We're probably a little bit behind the curve as  
3 an industry compared to the Chemical Association of  
4 understanding exactly what their true needs are, but we're  
5 working towards that.

6           I think this forum today is very good, because  
7 I'm starting to hear that clear message that it's  
8 emissions and these things versus United Way and kind of  
9 the big global things that we have always been active in  
10 and continue to be active in.

11           And so that's one of the messages we will take  
12 and relay to our member companies.

13           MS. BOURG: Thank you.

14           MR. METCALF: You had asked the question  
15 earlier about DEQ funding. I will -- you know, if you  
16 want me to, I'll address that.

17           MS. RICHARDSON: Oh, yes. By all means, go  
18 ahead and do that.

19           MR. METCALF: Okay. DEQ  
20 funding --historically, probably if you go back probably  
21 into the 1980s when DEQ was formed, it had been part of  
22 the Department of Natural Resources. DEQ was funded  
23 essentially in groups of thirds.

24           One-third from Louisiana general fund money --  
25 your taxes, my taxes; one-third from EPA, and one-third

1 from the regulated community, be that either industry or  
2 the public municipalities, the wastewater treatment  
3 plants, et cetera.

4 That radically changed in the early '90s.  
5 Around 1990 -- and forgive me if the year is not right --  
6 but around 1990, DEQ was receiving \$14.5 million of  
7 general fund money. That was about 25 percent to 30  
8 percent of their budget.

9 Due to budget crisis and stuff and the wisdom  
10 of our legislature, they decided, You'll go to a totally  
11 fee-based agency. You will get no more general fund  
12 money. So in the early '90s, DEQ lost \$14 million of  
13 general fund money.

14 It is now funded entirely by EPA money that  
15 they get for their grants or fees on the regulated  
16 community, and most of those fees are on the industrial  
17 community. Right now the split is about 75 percent  
18 industry or regulated community, 25 percent EPA money.

19 The overall budget has grown to about \$100  
20 million, give or take small, you know, round numbers.  
21 That is up from about \$500 million around 1990. Staffing  
22 has gone up almost two to two and a half times there for  
23 about 1,000 employees.

24 When the general fund money was taken away from  
25 DEQ, DEQ came to Mid-Continent and LCA at the same time,

1 the Chemical Association, said, You need this agency. We  
2 need to exist. We need to increase your fees.

3 We stepped up to the table, agreed to a funding  
4 package to replace that \$14.5 million. A couple of years  
5 ago, Dale Givins came to us and said, We've got to do  
6 these TMDLs -- these water quality standards. We need  
7 more employees; roughly 30 more employees, roughly about  
8 \$12 million more, if I remember my figures right.

9 We went to our members and said, This is a good  
10 thing. The agency needs the money. We accepted the fee  
11 increases on ourselves. I think every time we have been  
12 asked by the agency for money to help with programs -- and  
13 we think the money is being well spent -- we stepped up to  
14 the table. So did the Chemical Association.

15 MS. BOURG: I believe in industry paying their  
16 fair share. Does that sort of strike you that 75 percent  
17 of the regulatory agency's budget comes from the  
18 industries they regulate? Is that sort of like the fox  
19 guarding the henhouse kind of thing?

20 MR. METCALF: I can understand the fox guarding  
21 the henhouse analogy. We don't like it. We would have  
22 always argued the third, third, third split as it existed  
23 several years ago or some more balance. That is the way  
24 to fund the agency -- to have some money that comes from  
25 the taxpayers to pay for their agency.

1                   Unfortunately, that's not the position of the  
2 state legislature. It has not been the position of those  
3 people who draw up the budget, and so we can have two  
4 options. One, an under funded agency, and -- or one that  
5 is funded as much as we can from however we can get the  
6 money.

7                   We as an industry have decided to give them as  
8 much money as we can to keep them running. We would  
9 rather see the current split than an underfunded agency.

10                   MS. RICHARDSON: Does that complete your line  
11 of questioning or our line of questioning?

12                   MS. BOURG: Thank you.

13                   MS. RICHARDSON: Ms. Parks.

14                   MS. PARKS: Yes. I just have a question about  
15 flaring. I was pleased to see a few days ago in Baton  
16 Rouge on the news an announcement that -- I think it was  
17 Exxon; I'm not sure -- that they would be flaring, and I  
18 wondered: Is this a new guideline? Is this voluntary? Is  
19 this usually done? I couldn't remember having seen it  
20 before.

21                   MR. METCALF: Well, flaring is something that  
22 has come about because of environmental regulations. I  
23 mean, prior to the 1970s, those hydrocarbons that are  
24 being burned in, you know, flare were being emitted  
25 directly to the atmosphere. I mean, they were affecting

1 the communities next to them.

2 - Flares were put to, one, reduce the hydrocarbon  
3 emissions. Burn them, convert them to less toxic or  
4 less -- pollutants of less concern and take away that  
5 environmental impact, and also to do it in a way that was  
6 safely, both for the refiners and for us.

7 One thing we have heard from our neighbors is  
8 the flares make noise. We don't understand what the  
9 flares do, why they exist. One thing that has been a  
10 trend or starting to be a trend of our members is if we  
11 are shutting down a facility, we know it's planned, we  
12 know it may be there for an extended period of time, is to  
13 make public service announcements and try to get the word  
14 out why something is happening.

15 Quite often these flares, especially if they  
16 last for long periods of time, are because we're doing  
17 maintenance on facilities. There's not a problem. We  
18 shut down a compressor or something to do some work  
19 voluntarily to keep things running.

20 But the communication of that, you know, what's  
21 happening and why it's happening, is fairly new the last  
22 few years. I think it's something you'll see more of.

23 MS. PARKS: Thank you.

24 DR. FORD: You're looking to the right.

25 MS. RICHARDSON: The chair is very cognizant of

1 that, having critiqued the previous chair.

2 DR. FORD: Thank you, Madame Chairman.

3 Mr. Metcalf, one of the greatest frustrations  
4 that I'm experiencing in particularly talking to citizens  
5 is the fact that environmental justice almost is always a  
6 reactive phenomenon.

7 You mentioned desulphurization. This is, I  
8 believe, a good opportunity for the industry to be  
9 proactive, because at this point in time, the regulations  
10 relative to meeting these lower sulphur gasoline  
11 requirements have not yet been implemented.

12 Is it possible, is it likely, and is it good to  
13 think that citizens could get involved very early in the  
14 process of protecting communities as you begin to do  
15 whatever those technical improvements and enhancements  
16 you'll be doing in the 17 refineries around Louisiana?

17 MR. METCALF: That's a very good point. In  
18 fact, you're probably a month too early. Our refineries  
19 right now are in the process of pretty much finalizing  
20 their facility designs and what the impacts will be, what  
21 the overall reductions, because there will be reductions  
22 in the communities from your automobiles.

23 Essentially, we're transferring what comes out  
24 of your tailpipe will now -- only a small portion of that  
25 will come out of the refinery, so there'll be about a 95

1 percent reduction of the sulphur that comes out of  
2 tailpipes. Only 5 percent of that will come out of the  
3 individual refineries making the gasoline.

4 But as we get in our facility designs finished  
5 and our permits started, we've already been meeting with  
6 EPA, with DEQ, and some of the refineries are already  
7 starting to meet with their people. And we're discussing  
8 this issue -- how do you roll it out, what do you tell  
9 them -- I would say in about a month to a month and a  
10 half, we will be meeting with EPA Region VI with some of  
11 the community leaders, with the refineries in the  
12 region -- Texas, Louisiana -- to start the dialogue of how  
13 do you roll out and explain this process.

14 So right now a lot of work is going on behind  
15 the scenes. I think you're right; it is an excellent  
16 opportunity for us to explain what's happening, because  
17 there will be a slight increase at the refineries to  
18 offset a much bigger decrease that comes out of the cars  
19 nationwide and should overall, you know, improve air  
20 quality.

21 DR. FORD: I just want to point out that even  
22 though you may have a 95 reduction across the nation, most  
23 of that small 5 percent now will be focused on those  
24 communities next door to refineries.

25 MR. METCALF: We agree with that. We



1 understand that concern. We -- like I said, we are  
2 spending as much time in meetings discussing the public  
3 education aspects of this as we are the technical  
4 compliance with the rule. And I'm in charge of  
5 coordinating that for Mid-Continent.

6 MS. RICHARDSON: Further questions, Committee?

7 Thank you so very much, Mr. Metcalf.

8 MR. METCALF: Thank you very much.

9 MS. RICHARDSON: This brings us up to dinner on  
10 the agenda. But dedicated servants that we are, we're  
11 going to skip that and go right on to our next  
12 presentation.

13 (Off the record.)

14 MS. RICHARDSON: Geoffrey Reeder and Steve  
15 Levine.

16 MS. ECHEVARRIA: Suzanne Echevarria.

17 MS. RICHARDSON: Okay.

18 MR. METCALF: I'm Geoffrey Reeder. Steve  
19 Levine is not present.

20 MS. RICHARDSON: Okay. And again, we're going  
21 to ask, particularly in light of our technological  
22 difficulties, if you would hit the high points of your  
23 presentation. Then as the committee asks questions, we  
24 will try to bring out more information from you.

25 If that fails, then we will ask you in your

1 closure to bring out any points that may have been  
2 omitted. And we're just struggling with this. I'm trying  
3 so hard to do what's the least harm, I guess, in the  
4 course of our dissertations here.

5 Please proceed.

6 MR. REEDER: All right. Thank you very much.

7 MS. RICHARDSON: And each of you state your  
8 name now officially for the record, and somebody may want  
9 to spell hers.

10 MR. REEDER: My name is Geoffrey Reeder. I'm  
11 the manager of environmental mediation for the Union  
12 Pacific Railroad. My first name is spelled  
13 G-E-O-F-F-R-E-Y. Last name is Reeder, R-E-E-D-E-R.

14 This is Suzanne Echevarria. She's also from  
15 the Union Pacific Railroad. Her first name is spelled  
16 S-U-Z-A-N-N-E, and her last name is  
17 E-C-H-E-V-A-R-R-I-A. Is that correct? I get an extra  
18 point for that:

19 MS. RICHARDSON: Oh, you do get some credit  
20 there.

21 MR. REEDER: She's new to the railroad. I've  
22 only learned her name since November.

23 I'd like to start off to summarize my  
24 presentation and talk about the history of the Union  
25 Pacific Railroad in the Lake Charles area.

1           The Union Pacific modern day railroad is a  
2 conglomeration of many railroads in the past. In 1883,  
3 the Louisiana & Western Railroad built their tracks into  
4 the Lake Charles area. In 1885, the Lake Charles &  
5 Northern Railroad built a junction and they connected with  
6 the Louisiana & Western at our yard which is located about  
7 two miles west of where we are today.

8           The yard and the tracks have not changed in the  
9 last 115 years. The locations have not changed.

10           MS. RICHARDSON: Please pardon me, Geoffrey.  
11 To show you what good hosts we are, we're going to give  
12 you the mic that works and I'll try to work with the one  
13 that's a little malfunctioning. How's that for  
14 accommodations?

15           MR. REEDER: All right.

16           MS. ECHEVARRIA: Good deal.

17           MS. RICHARDSON: The chair could take credit,  
18 but it really wasn't her idea.

19           (Pause.)

20           MR. REEDER: All right. In 1885, the Lake  
21 Charles & Northern Railroad built a junction with the  
22 Louisiana & Western and they joined, built the yard for  
23 interchange purposes at the location where our yard is  
24 today. It's just north of Railroad Avenue underneath the  
25 Shaddick [phonetic] Street Overpass.

1           In 1927, the Louisiana & Western and the Lake  
2 Charles & Northern Railroads were merged into the Texas &  
3 New Orleans. Later on that railroad was merged into the  
4 Southern Pacific, and in 1996 the Southern Pacific was  
5 merged into the Union Pacific Railroad.

6           Prior to 1996 the Union Pacific, the company  
7 that I work for, had a minor presence in Lake Charles.  
8 After that time we've had a major presence in Lake Charles  
9 with our track that runs through here east and west and  
10 serves most of the industries on the west side of town.

11           In 1983 the Southern Pacific Railroad was  
12 moving a car of tetrachloroethylene for an industry, and  
13 they had a leak in that car. Subsequently, they lost the  
14 whole load. They lost about 11,700 gallons of that  
15 product.

16           They responded immediately, collected the free  
17 liquid, excavated the soil in the area, and immediately  
18 put in some monitoring wells to monitor the contamination  
19 as well as try to recover the chemical that had gone into  
20 the groundwater.

21           And they worked on that problem until 1996 --  
22 or actually, 1997. After the merger I was assigned that  
23 project, and we've taken over since then. Since that time  
24 we've worked to improve the recovery system that's out  
25 there. We've also had many meetings with the people who

1 live in the area.

2 We've had meetings with the city councilmen who  
3 represent that area. We've even done a door-to-door  
4 presence to ask those people if they have water wells, ask  
5 them -- let them know what's going on with the project out  
6 there so they'll have some idea of what we're doing when  
7 we come into the area.

8 Now, we've worked closely with the DEQ and also  
9 the EPA since that time. Now, you might ask why do  
10 railroads carry these dangerous chemicals if they're such  
11 a problem? And the simple answer is: Like many truck  
12 lines, the railroads are a common carrier.

13 If someone offers us a shipment of materials,  
14 whether it's hazardous or non-hazardous, and it's packaged  
15 according to the federal regulations, we have no choice  
16 but to move that from origin to destination.

17 You might say, How long does it take? The  
18 federal regulations require shipments of regulated  
19 hazardous materials have to move within 48 hours, not  
20 including Saturdays and Sundays and holidays. Most of the  
21 shipments that come through this yard move within 12 to 24  
22 hours.

23 So even though you might go over the overpass  
24 and see railroad cars in that yard day in and day out,  
25 they're not the same cars. They're cars that are in

1 transportation. The Union Pacific Railroad is a  
2 transportation company, much like the post office or UPS,  
3 Federal Express.

4 We don't make any money by storing materials.  
5 We make money by moving them from Point A to Point B, and  
6 that's what we try to do. The only time that a car might  
7 be delayed is if a plant can't take an empty car coming  
8 in -- their tracks are full or when we pull a car out we  
9 put it on the first available train to move it out. Then  
10 move those things along.

11 I'd like to say that we have a good working  
12 relationship with the regulatory agencies that are in this  
13 area. I'd like to think we have a good working  
14 relationship with most of the citizens in this area. In  
15 this meeting tonight, I recognize several people. I think  
16 they recognize me on a first-name basis.

17 I would hope that we've kept them informed of  
18 the environmental activities that are taking place in  
19 their neighborhood as well as the railroad activities that  
20 are taking place in their neighborhood.

21 And at this point I'd like to open it up for  
22 any questions that you might have.

23 MS. RICHARDSON: Committee?

24 DR. FORD: To start it out -- I don't think I  
25 need a microphone. Can you hear me?

1           There's something called the Federal Railroad  
2 Administration State Safety Participation Program. Are  
3 you familiar with it?

4           MR. REEDER: I'm familiar with the Federal  
5 Railroad Administration, but I'm not familiar with the  
6 state safety participation that you mentioned.

7           DR. FORD: Okay. As I appreciate it, there are  
8 number of states that run so-called safety participation  
9 programs. It turns out Louisiana is not one of those  
10 states. And I was wondering -- I assume that the FRA  
11 itself has inspectors who assure the public that railroad  
12 systems are in good shape and are capable of carrying the  
13 loads that are in fact moved across them.

14           I'd be curious to know why Louisiana -- and I  
15 understand most states do have such a system, where state  
16 inspectors carry out functions similar to federal  
17 inspectors. Is there anyone that you can identify who  
18 could tell us why Louisiana might not be a participating  
19 state?

20           MR. REEDER: -I can't answer for the State of  
21 Louisiana. The Louisiana State Police respond to  
22 hazardous material incidents, whether they're on the rail  
23 or on the road or pipeline incidents. Perhaps someone in  
24 the Louisiana State Police could answer that question for  
25 you. I don't know.

1 DR. FORD: Do you feel that's needed? The  
2 Federal Agency itself, FRA, does it have enough inspectors  
3 to assure the citizens of this state that the rail systems  
4 are safe for carrying the kinds of -- in fact, let me back  
5 up a little bit.

6 As I understand it, some more than 40 percent  
7 of hazardous materials that are transported in this  
8 country actually go through places like Baton Rouge and  
9 New Orleans. In fact, if that's the case, doesn't it  
10 stand to reason that there should be even more secure rail  
11 systems in those areas?

12 And if in fact that's the case, inspection  
13 would certainly be a part of that. I'm just trying to  
14 understand what is the current inspection system? If it's  
15 federal, is it adequate -- if it's federal only?

16 MR. REEDER: Again, it -- I see on the agenda  
17 there's a representation from the Federal Railroad  
18 Administration be here tomorrow. I would broach that  
19 question to them, but as a citizen I would agree. I would  
20 have more inspectors where the heaviest concentration of  
21 traffic is.

22 MS. RICHARDSON: Oh, we're moving right along.  
23 Did you want to make a closure; did we miss anything?

24 MR. REEDER: I don't think so, unless you have  
25 any questions for me.



1 MS. BOURG: I do have a question.

2 MS. RICHARDSON: You do? Yes, ma'am.

3 MS. BOURG: Many of the very poor communities  
4 and people of color communities have historically  
5 distributed themselves alongside the railways, and so I  
6 guess my question would be what particular efforts have  
7 you made to address the concerns of those communities as  
8 I've identified them?

9 MR. REEDER: What specific concerns do you  
10 have? Or what specific concerns do they have?

11 MS. BOURG: Are you --

12 MR. REEDER: I would say that the railroads  
13 were built in the 1800s, and if you move in next door to a  
14 railroad track, that would be similar to moving in next to  
15 a freeway. You know what's going up and down there --  
16 trucks and cars. I don't understand your question.

17 MS. RICHARDSON: Would you restate it or make  
18 such an attempt?

19 MS. ECHEVARRIA: I think what you're trying to  
20 ask is -- he mentioned that we have had some community  
21 relations with the community. Just talk about how --

22 MR. REEDER: We've had --

23 MS. BOURG: Well, you mentioned about the  
24 community relations and the concern about chemicals going  
25 through communities. And so I'm asking how you're

1 addressing the Executive Order of the President around  
2 environmental justice issues and around communities that  
3 have historically distributed themselves around the rail  
4 communities, the rail lines.

5 MR. REEDER: In this community, I've met with  
6 everyone in this city from the City Councilmen down to the  
7 individual residents who live next door to that railroad  
8 yard. We went to those people's houses one on one with  
9 representatives from the Department of Environmental  
10 Quality, with representatives from their city council, and  
11 representatives from the railroad and from our  
12 environmental consultant.

13 We spent several days going house to house.  
14 Not in a group meeting -- one on one -- to ask those  
15 people any questions, to answer their concerns, as well as  
16 having public meetings with the DEQ, as well as with the  
17 EPA who have those.

18 And I think to this day we've addressed those  
19 concerns in a satisfactory manner. If there's any  
20 outstanding issues, I'm not aware of them.

21 DR. FORD: I have another question.

22 MS. RICHARDSON: One minute, Dr. Ford.

23 MS. BOURG: I yield to Dr. Ford.

24 MS. RICHARDSON: Yes, sir.

25 DR. FORD: For the education of people here and

1 for me, what are the major chemicals that your transport  
2 system moves across this state; by name and -- generally,  
3 the first five or six in terms of volume and their  
4 relative toxicity.

5 MR. REEDER: I can't tell you, because  
6 chemicals that we move through Lake Charles are probably  
7 not the same chemicals that we move through Houston or  
8 Baton Rouge simply because the plants that make those  
9 chemicals are located here.

10 So, for example, if there was a plant here that  
11 made chlorine, you would have an extremely high  
12 concentration of chlorine cars here, whereas in Baton  
13 Rouge it may be a high concentration of ammonia cars, if  
14 they made the product over there.

15 Once they get out on the rail, they're pretty  
16 evenly distributed. However, as I said earlier, we're  
17 required to transport any chemical, any product, that's  
18 properly packaged and offered for transportation.

19 DR. FORD: Let's take Lake Charles. What are  
20 the five most common chemicals you transport?

21 MR. REEDER: I don't know from memory. I don't  
22 know. I could provide you that list of what comes through  
23 here, but I don't know them from memory.

24 DR. FORD: Who are the major companies for whom  
25 you transport chemicals?

1 MR. REEDER: In the Lake Charles area?

2 DR. FORD: Lake Charles is where we're talking  
3 about.

4 MR. REEDER: We're a railroad. Anybody that's  
5 got a railroad track into their plant, we would transfer  
6 those. And the reason I say I don't know -- I'm in the  
7 environmental department. I'm not in the transportation  
8 group.

9 I can tell you that -- I could get you that  
10 list. I just don't have it from memory. I know basically  
11 that in the Lake Charles area, we service the plants that  
12 are west of town, south of I-10. The Kansas City Southern  
13 Railroad services the plants that are west of town, north  
14 of I-10. That's basically how it's broken up.

15 But I don't have memorized all the plants that  
16 we serve and what chemicals they make. I'll be glad to  
17 get that for you if that's helpful.

18 DR. FORD: That would be helpful for the  
19 committee.

20 MR. REEDER: Okay.

21 MS. ROBINSON: Okay. Could you probably assist  
22 us by telling us in terms of chemical spills and leaks,  
23 what companies have been involved in those spills and  
24 leaks and the communities that have been impacted?

25 MR. REEDER: In the Lake Charles area?

1 MS. ROBINSON: Yes.

2 MR. REEDER: The 1983 spill took place in the  
3 Lake Charles yard, which is near Railroad Avenue and  
4 Cherry Street. That product was made by PPG Industries.  
5 The only other spill I know of was an anhydrous ammonia  
6 spill. It was a vapor released to the air, and I don't  
7 recall who made that product. That was at about 1989, I  
8 think.

9 We've had some diesel spills, but they were in  
10 our yard over off Highway 14. Other than that, I can't  
11 recall any other spills that we've had in this area since  
12 we've been keeping records.

13 MS. ROBINSON: Okay. Along those same lines,  
14 do you have some outstanding, pending litigation involving  
15 leaks and spills that --

16 MR. REEDER: Yes, we do.

17 MS. ROBINSON: -- that's still pending?

18 MR. REEDER: Yes, we do.

19 MS. ROBINSON: Does it involve communities in  
20 Lake Charles?

21 MR. REEDER: Yes, it does.

22 MS. RICHARDSON: One minute. And because it's  
23 in litigation, I'm sure that's all you choose to say.

24 Before we go any further, you will follow up on  
25 answering Dr. Ford's question, because it's of concern to

1 all of us and to the community.

2 MS. ECHEVARRIA: And please know that we're not  
3 trying to be evasive in any way. He is the environmental  
4 remediation manager, and he doesn't --

5 MS. RICHARDSON: Nor has anyone accused you of  
6 that.

7 MS. ECHEVARRIA: Just wanted to let you know.

8 MR. REEDER: As I understand, Dr. Ford, you'd  
9 like of the customers we serve and the top five chemicals  
10 that we transport through this area?

11 DR. FORD: That's correct.

12 MR. REEDER: Okay.

13 DR. FORD: I'm also interested in outreach. Do  
14 you have an outreach program around incidents where  
15 communities could be affected?

16 MR. REEDER: Not that I know of.

17 MS. RICHARDSON: Let's be sure -- Ms. Robinson,  
18 had you finished? Had you completed your concerns, your  
19 queries?

20 MS. ROBINSON: Yes. I'm through.

21 MS. RICHARDSON: Ms. Bourg.

22 MS. BOURG: Thank you. Does Fisherville have a  
23 specific safety and evacuation plan?

24 MR. REEDER: No, they do not. Not written by  
25 the railroad. Railroads have no authority, no

1 jurisdiction, to order an evacuation or to write an  
2 evacuation plan. That's the responsibility of the local  
3 public safety agencies.

4 If there were to be a chemical release, we  
5 would notify the police, the fire -- Louisiana State  
6 Police, and it's up to those folks to make a decision as  
7 to whether or not evacuation is necessary; and if so, what  
8 routes those folks should take to evacuate.

9 MS. BOURG: So your role basically is to  
10 report, notify?

11 MR. REEDER: And respond to the incident and  
12 repair the problem.

13 MS. BOURG: What about prevention so that they  
14 don't occur in the first place?

15 MR. REEDER: That's correct.

16 MS. ECHEVARRIA: Prevention and mediation,  
17 notification, reporting.

18 MR. REEDER: Prevention, preparedness, response  
19 recovery -- the four R's that we use.

20 MS. RICHARDSON: Thank you.

21 And thanks to both of you for your succinctness  
22 and finite answers when you could provide them, and you'll  
23 provide the others as soon as possible.

24 MR. REEDER: Thank you.

25 MS. RICHARDSON: Thanks so much.





1 constructed by the U.S. Government at the end of World War  
2 II as a defense production facility designed to produce  
3 magnesium. PPG acquired the approximately 650-acre site  
4 in 1947, and thousands of PPG people have lived, worked  
5 and raised their families in southwest Louisiana during  
6 that time.

7 We produce building block chemicals for the  
8 manufacture of literally thousands of everyday modern  
9 conveniences expected and demanded by consumers all over  
10 the world. Our products are made right here in Calcasieu  
11 Parish by hard-working women and men to make life safer  
12 and better for all of us.

13 These beneficial consumer products are produced  
14 because of PPG's science, technology and research efforts.  
15 We're constantly improving our processes which allows us  
16 to be more environmentally friendly in the manufacture of  
17 these products.

18 PPG Industries applies uniformly high standards  
19 worldwide and in Lake Charles for safeguarding the  
20 environment and ensuring safety and health for our  
21 employees, their families, and facility neighbors.  
22 Meeting legal requirements is merely the baseline for  
23 acceptable environmental health and safety performance at  
24 PPG.

25 However, it's important to note that state and

1 federal government regulators, the Louisiana Department of  
2 Environmental Quality, and the U.S. Environmental  
3 Protection Agency use conservative assumptions in  
4 developing their rules and permits.

5 These estimates have a great deal of safety  
6 already built in and are considered protective of human  
7 health and the environment. Nonetheless, our pursuit of  
8 excellence and continuous improvement means aiming higher,  
9 applying sound management systems, and effectively  
10 implementing voluntary programs like the chemical  
11 industry's Responsible CAER initiative.

12 You've heard a little about Responsible CAER  
13 and other industry environmental improvements during the  
14 LCA testimony this afternoon. For PPG, we spell out our  
15 commitment in PPG's global code of ethics and  
16 environmental health and safety policy which recognizes  
17 strong environmental health and safety performance as a  
18 vital corporate priority.

19 Without question, fulfilling the environmental  
20 health and safety components for our corporate citizenship  
21 responsibilities is good business. PPG's employees live  
22 as well as work in facility communities such as those in  
23 southwest Louisiana.

24 As such, we're committed to the improved  
25 stewardship of the local environment and the health and

1 safety of our employees and the general public. All of  
2 us, as members of the community, expect to breathe clean  
3 air, drink clean water, and be safe and healthy, whether  
4 on the job or away from the workplace.

5 As I mentioned earlier, state and federal laws  
6 and regulations govern our regulation -- our operations,  
7 and these numerous rules and regulations have encouraged  
8 many improvements during the last decade. Since 1990, PPG  
9 has invested more than \$300 million to upgrade and improve  
10 the Lake Charles Complex's environmental systems and  
11 operations.

12 Improvements like these have also resulted in a  
13 steady decline in emissions at the Lake Charles Complex.  
14 Since EPA first began collecting toxic release inventory  
15 data in 1987, Lake Charles Complex has reduced emissions  
16 by more than 80 percent. That's real progress, and is a  
17 testament to improved technology and the hard work and  
18 dedication of all our employees.

19 PPG people are also at the heart of our  
20 approach to safety. We have top-notch engineers and  
21 constructors design, site, and build our plants. Well-  
22 trained and experienced operators and skilled mechanics  
23 operate and maintain our plants, and a fully equipped and  
24 well-trained on-site emergency response organization is  
25 available around the clock should an emergency arise.

1           In addition, PPG employees continue to be  
2 leaders and active members of several community groups and  
3 organizations and share the common goal of developing and  
4 promoting accident prevention, awareness, and emergency  
5 planning.

6           PPG is a founding member of both the Calcasieu  
7 Parish local emergency planning commission and the local  
8 community awareness and emergency response organization.  
9 We recognize that dialogue with the community is one of  
10 the steps in earning the trust of our neighbors and  
11 finding solutions to issues of concern.

12           As one of several ways we try to promote  
13 community dialogue, PPG actively supports and participates  
14 in two Community Advisory Panels in our area. We will  
15 work closely with the Community Advisory Panel to PPG and  
16 also participate in a multi-facility CAP known as the  
17 I-10 CAP.

18           On a monthly basis, company managers meet with  
19 a cross-section of the community to discuss all aspects of  
20 our operation. We have learned a lot from these panels  
21 and consider them to be a valuable source of community  
22 input.

23           . Additionally, PPG recognizes a social  
24 responsibility to the community and strives to be among  
25 the leaders in community service. PPG involvement in the

1 community is demonstrated by the numerous company  
2 organizations and resources that reach out to the  
3 community.

4 A few are those are listed here on the outline.  
5 One of those, of course, is the United Way fund drive.  
6 Certainly, we have our PPG friends, PPG Plus One, a  
7 voluntary group of minority employees who organized the  
8 group a couple years ago to improve outreach focus in the  
9 minority community in our area.

10 And just recently, we made a three-year funding  
11 commitment to the Calcasieu Community Clinic. That's a  
12 health clinic to benefit the working poor and is housed in  
13 the nursing school at McNeese State University.

14 Like many areas around our state and nation,  
15 education continues to be a primary issue of concern to  
16 many citizens. PPG is very interested in educational  
17 improvement, and we've made education a primary focus in  
18 our community outreach efforts.

19 We have four partners in education schools  
20 within Calcasieu Parish whom we support and contribute to  
21 McNeese State University, our regional state university.  
22 In addition, PPG conducts two sessions of the popular  
23 teacher summer institute to help area teachers better  
24 understand what's required to safely operate and maintain  
25 a large chemical complex.

1           This experience serves to increase the  
2 educators' knowledge of our operations and helps them to  
3 understand the skills required to be successful in this  
4 industry. Armed with that knowledge, we believe that  
5 educators can better prepare and teach students who aspire  
6 to make our industry a career objective.

7           With assistance from the Wildlife Habitat  
8 Committee, we've created NatureLab, known by many as the  
9 classroom in the woods program. NatureLab is an outdoor  
10 pavilion built and equipped by PPG to provide an  
11 environment for local schools to conduct nature studies  
12 and instill in participating students an appreciation for  
13 nature and respect for the environment.

14           Incidentally, NatureLab was a recipient project  
15 for the 1999 Governor's Environmental Leadership award.

16           Finally, PPG's impact is also strongly felt in  
17 the local economy. PPG's Lake Charles Complex contributes  
18 more than 279 million to the economy of southwest  
19 Louisiana during 1999. And for those who saw the paper  
20 this morning, PPG -- is evidence of PPG's confidence in  
21 this area, and PPG Starts High-Power Job, indicating that  
22 we are working with energy in a joint venture to develop a  
23 425 megawatt co-gen facility.

24           Finally, PPG's impact is strongly felt in the  
25 local economy. PPG's Lake Charles Complex again

1 contributed 279 million to the economy in 1999, the single  
2 largest economic contributor with the purchase from 735  
3 area suppliers within a 50-mile radius of the city.

4 Also during and adding to the economic impact  
5 were payroll for approximately 1,500 employees as well as  
6 contract and temporary personnel, utility and  
7 transportation costs, environmental control of equipment  
8 and operations, state and local taxes that we pay.

9 PPG's hiring and promotion practices are done  
10 without regard to race, religion, sex, or national origin,  
11 and a diverse workforce within PPG fairly well reflects a  
12 general cross-section of the local community. For  
13 instance, recent workforce statistics indicate the  
14 minority population within the five-parish area to be  
15 approximately 23.4 percent.

16 PPG's minority workforce population is 22.4  
17 percent. In addition, minorities and females are  
18 represented within all job groups, including supervisors,  
19 foremen, engineers, technicians, trade crafts, production  
20 workers, office clerical, and laborers.

21 Madame Chairperson, again I want to thank you  
22 for the opportunity to address this committee. I hope  
23 I've conveyed the fact that PPG takes its responsibilities  
24 seriously, and we're constantly aware that we operate with  
25 the permission of our community.

1           At this time, I'll be happy to try to answer  
2 any questions that members of the committee might have.

3           MS. RICHARDSON: Thank you, sir.

4           Lorna -- I'm sorry; Ms. Bourg.

5           MS. BOURG: Thank you. I had a couple of  
6 questions; actually, I have three right now. Is there a  
7 buffer zone around PPG?

8           MR. NEAL: PPG is located in an area that is  
9 bounded by the Calcasieu River ship channel to our east  
10 and to our south. We -- and to the north of our plant,  
11 there is some light industrial neighbors. Directly to the  
12 west, we're bounded by I-210 and an undeveloped area,  
13 which is also owned by PPG.

14           The only near neighbors that we have is the  
15 Maplewood section of Sulphur, and those persons are  
16 possibly a mile away from our plant.

17           MS. BOURG: On February 28, 1999, I understand  
18 that there was some chemicals released because a 12-inch  
19 expansion joint ruptured, and that approximately a little  
20 under 1,500 pounds of ethylene was released in a little  
21 short of nine -- of 1,000 pounds of EDC was released.

22           And what efforts did you make to alert the  
23 citizens when that occurred and at what time were they  
24 alerted on that?

25           MR. NEAL: As soon as we recognized that there



1 was a problem, a call went into our night superintendent,  
2 who initiated a call to the state police, the local  
3 emergency planning commission, the National Response  
4 Center.

5 The local -- the state police that was notified  
6 was the state police in Baton Rouge. The local state  
7 police did not get that notification for another  
8 approximately 20 minutes. The notification occurred  
9 within 20 minutes to the other agencies, but it was about  
10 a 40, 45-minute time span before the local state police  
11 was notified.

12 MS. BOURG: Has PPG done anything to put  
13 something in place so that that would not repeated? And I  
14 don't just mean the ruptured joint, but I mean the  
15 notification of the citizens of imminent danger, if there  
16 were to be an imminent danger case?

17 MR. NEAL: One of the things that we did do is  
18 we do what's known as a root cause analysis any time that  
19 we have an incident occur. The intent is to do a decision  
20 tree analysis of what happened and what actually caused  
21 the situation to occur.

22 It's a very labor-intensive process, but it  
23 does get to the root of the problem. And it also  
24 identifies a number of other conditions along the way that  
25 needs to be dealt with, and one of the things that was

1 dealt with here was we have an emergency response manual  
2 and we have an emergency response program that's online as  
3 well as hardcopy documents in our supervisors' office.

4 There were changes that were made to our  
5 emergency response program to ensure, complete with  
6 checklists, that as soon as we knew about those incidents  
7 that those calls were made immediately.

8 MS. BOURG: And how were the citizens involved  
9 in planning for their notification for any future  
10 incidents? Is there a community thing that you set up?

11 MR. NEAL: One of the things that we do is we  
12 review all of these environmental incidents monthly with  
13 our local CAP, our Community Advisory Panel to PPG. They  
14 get all the spill or release notification data that's sent  
15 in to the state.

16 We send copies of those to all of our CAP  
17 members. Not only do we conduct the root cause analysis,  
18 but we also review all those issues with our CAP members.  
19 The CAP members give us their input and, quite frankly,  
20 their comments with respect to how things should be  
21 handled and dealt with, and we integrate that information  
22 into our planning and our decision-making process.

23 MS. BOURG: Thank you. I had one more question  
24 at this time. I notice that in your company's 1999  
25 environment health and safety report, which is very nicely

1 done --

2 MR. NEAL: Thank you.

3 MS. BOURG: -- you have a Chicot containment  
4 system. And I guess I have kind of a basic question, and  
5 that is: Is the Chicot Aquifer in danger if there's  
6 contamination? Can you address that system and the danger  
7 to the Chicot Aquifer?

8 MR. NEAL: Yes. Basically, what we have here  
9 is we have contamination that is migrating vertically.  
10 This is a result of environmental technology that existed  
11 back in the '60s and '70s, where you used clay-line  
12 lagoons as a means of containing and treating waste  
13 material.

14 And one of the things that happened is those  
15 lagoons leaked, and that migrated vertically. When we  
16 proceeded with our RCRA facilities investigation, we  
17 discovered that there was some contamination, and we  
18 proceeded with trying to define the scope of the  
19 contamination and discovered that it had in fact gotten  
20 into the Chicot.

21 You need to understand that the Chicot Aquifer  
22 is permeable sands, and the recharge is quite a few miles  
23 north of here. The flow rate within that aquifer is very  
24 low. It's probably literally in inches per year. But one  
25 of the things that we did as soon as we discovered that

1 was a problem was we put in a pump and treat system to  
2 contain or to draw the water back onsite and to contain  
3 the contaminants that were there.

4 And we continue to pump that -- those wells,  
5 and we continue to create a zone of containment within our  
6 plant boundaries, and that's what we're referring to there  
7 is an explanation to the public; that, you know, there's  
8 contamination there. We're working to correct that  
9 problem, and the way that we're doing it is through pump  
10 and treat system.

11 It's been peer-reviewed by a number of people  
12 and they agree that this is the best type technology for  
13 what exists on our site.

14 MS. RICHARDSON: Further questions, Committee?  
15 Oh, plenty. We'll start with Ms. Madden.

16 MS. MADDEN: Okay. A couple of questions.  
17 After a decision is made to locate or expand in a certain  
18 area, would you please describe the permitting process  
19 that takes place?

20 MR. NEAL: You need to understand that the  
21 property that we own -- our plant site -- generally, our  
22 expansions are -- take place within the existing plant  
23 site or the existing complex.

24 But it's a process where -- and often it  
25 involves the type product that we're producing, what we

1 would anticipate the operating conditions would be, and it  
2 sometimes involves modeling. It involves discussions and  
3 dialogue with the permitting agencies.

4 It also involves discussions and dialogue with  
5 the community. If we make an application for a permit,  
6 today in many cases there's a requirement that there be a  
7 public meeting and that discussion occur.

8 So typically, the things that we look at is we  
9 look at dialogue with the agencies; that is, the LDEQ, the  
10 permitting agency. We look at the engineering required to  
11 properly design and predict what that operation would be.  
12 Then we discuss that application with the public, and then  
13 we make application.

14 I don't know if I answered your question or  
15 not.

16 MS. MADDEN: Yes. In fact, you answered the  
17 second one, too.

18 MS. RICHARDSON: Dr. Wright.

19 DR. WRIGHT: I have just one question. Good  
20 evening.

21 MR. NEAL: Thank you.

22 DR. WRIGHT: And first of all, because I'm a  
23 sociologist I'm always interested in statistics, and you  
24 have listed in terms of your employment 23.4 percent  
25 minority workforce population. What percentage of that

1 minority population is African-American. Do you know?

2 MR. NEAL: I think I may have that for you.

3 (Perusing documents.) 20.5 percent.

4 DR. WRIGHT: Thank you.

5 MS. RICHARDSON: There's a question from Ms.

6 Roberts -- Robinson.

7 MS. ROBINSON: Good evening, Mr. Neal.

8 MR. NEAL: Good morning, Ms. Robinson.

9 MS. ROBINSON: Good to see you again.

10 MR. NEAL: How are you?

11 MS. ROBINSON: Fine. I have one question.

12 Unfortunately -- well, my first question is this. Are you  
13 familiar with the Mossville and the Fisherville area which  
14 is the North Lake Charles area?

15 MR. NEAL: Yes, I am.

16 MS. ROBINSON: Okay. Unfortunately, there are  
17 persistent complaints from that community regarding PPG  
18 out of all of the industries that are in and around those  
19 communities. Could you give us an idea of why those  
20 complaints surface from those communities versus maybe  
21 Maplewood community or some other area that's close by?

22 And after answering that question, could you  
23 tell me a little bit about what is the nature and extent  
24 of your relationship with those communities and that kind  
25 of thing?

1 MR. NEAL: Okay. Ms. Robinson, we met in  
2 August 1999 and conducted a plant tour in our plant with  
3 members of the Mossville community. Unfortunately, there  
4 wasn't many of those people that showed up at our plant.  
5 But the complaints that were lodged at that particular  
6 meeting was concerns with regard to our plant  
7 incinerators, our waste incinerators.

8 We explained to them in great detail that the  
9 incinerators that we have on site meet MACT, which stands  
10 for maximum achievable control technology with respect to  
11 dioxin emissions, and that seemed to be their biggest  
12 concern.

13 I don't know what other concerns that they  
14 voiced. A Ms. Malvo was also in attendance at that  
15 meeting, and she voiced a concern about railroad cars  
16 being stored within their local area. I explained to her  
17 that it was a situation where, as the railroad had  
18 indicated, we can't make any money by not moving our rail  
19 cars.

20 We have empty rail cars that the railroad  
21 brings in. We load them, and we turn them over to the  
22 railroad, and the railroad then will take them and store  
23 them in an area to make up a train, but it usually moves  
24 within 12 hours, and then they go to an interchange point  
25 where they're broken apart and then put back together

1 again.

2 And she had asked me to do what I could to  
3 correct that problem, and I had explained her during that  
4 meeting that there was, you know, little I could do  
5 because I didn't understand the railroad other than to say  
6 that typically, we keep in very close touch with them to  
7 make sure that our cars continue to move, because we have  
8 what's known as a just-in-time delivery system for our  
9 customers, and it's important that our cars move.

10 Those are the only concerns that were voiced to  
11 me, and we've attempted to address those by explaining to  
12 them what we do in the community.

13 MS. RICHARDSON: The chair has been quiet about  
14 as long as she could.

15 In light of the observation that was just made  
16 by you, sir, about not having good participation in a  
17 meeting that you called for those residents, have you  
18 given any consideration to some non-traditional means of  
19 outreach, if indeed a letter went and a small percentage  
20 showed up.

21 Different communities have different mores, and  
22 I think it would behoove all of us to try different ways  
23 of reaching people. Are there any alternative -- well,  
24 firstly, what kind of outreach and informational mechanism  
25 did you use and how might you improve upon that in order



1 to reach more members of the affected communities?

2 MR. NEAL: Okay. Well, again, we held on  
3 December 8, '99, a public meeting in the West Lake  
4 community primarily for the people in West Lake and  
5 Mossville. And Ms. Dagmar D'Argene with the Mossville  
6 community asked a number of questions which, frankly, I  
7 wasn't able to answer at the time.

8 And we followed up with a response letter to  
9 her with a carbon copy letter of that going to Mr. Edgar  
10 Mouton. We have conducted block walks within the  
11 communities, and as you say, we've tried to put together  
12 documents that explain to the community what we do and how  
13 we go about doing those:

14 And we try to be very candid within those  
15 documents such that our credibility remains high.

16 MS. RICHARDSON: Okay. Maybe you would like to  
17 consider following up with the few who did participate in  
18 order to ask them about means of reaching a broader  
19 spectrum of people. But I do hope that you will continue  
20 those efforts.

21 Ms. Bourg.

22 MR. NEAL: Thank you, Ms. Chair.

23 MS. BOURG: Mr. Neal, I notice that on page 11  
24 in the report, in the environmental report, that between  
25 1997 and 1998 the number of pounds of chemicals released

1 in the environment through releases or spills little more  
2 than doubled, and yet the environmental spending by PPG,  
3 Lake Charles, was decreased by about \$10 million.

4 And yet your testimony talks about increased  
5 commitment to environment. Could you address that  
6 discrepancy?

7 MR. NEAL: Okay. The spills and releases that  
8 are there -- the difference between the 14.8 and the  
9 30,000?

10 MS. BOURG: Yes.

11 MR. NEAL: What you typically have is within  
12 those spills and releases, as was indicated earlier, those  
13 are what's known as fugitive emission releases, and also  
14 they count for our incinerator devices. We have shut down  
15 systems on our incinerators, and if they shut down just  
16 for a second, even though they go to a secondary control  
17 system, those are counted as a spill or a release.

18 So basically, what you're looking at right here  
19 is you're looking at a maintenance issue relative to  
20 reporting all or one of the incinerators.

21 MS. BOURG: So my question would still stand.

22 MR. NEAL: And what is -- I'm sorry. Maybe I  
23 missed that.

24 MS. BOURG: So if in fact for whatever reason  
25 the releases were nearly doubled, yet you decreased by a

1 little over \$10 million your commitment to environmental  
2 improvements ---

3 MR. NEAL: That's actual spending. Those are  
4 not commitments. What we typically do is we set our  
5 engineering programs in place, and we plan for that couple  
6 of years ahead and do all the engineering, and then we  
7 spend it.

8 The dollars that you're talking about has to do  
9 with maintenance and on-stream factors, and we keep our  
10 own stream factors for our incinerators very high. And  
11 that has no reflection -- the 37 versus a 14 unit has no  
12 reflection on the numbers below.

13 MS. BOURG: It appears, though, from the  
14 documents and the numbers that I have that the fugitive  
15 air releases and the stack air releases, as well as the  
16 total air releases in poundage for 1998 surpassed that of  
17 1997.

18 MR. NEAL: Well, if you're looking at air in  
19 particular, there was a reporting change there in air in  
20 that we started including painting and the paint solvents  
21 and everything that's in our paint, as an example, during  
22 that period, and that increased the number.

23 MS. RICHARDSON: Dr. Ford, on the chair's  
24 right.

25 DR. FORD: I assume that PPG, like other

1 chemical companies, do risk management planning. Is there  
2 a mechanism by which you make the community aware of your  
3 worst-case scenarios as well as your emergency plans for  
4 evacuation in the case of need for such action?

5 MR. NEAL: Yes. We did that, as a matter of  
6 fact, in October of '99. We had a public meeting -- what  
7 we called the industry roll-out of our RMP plan. There  
8 was also a document, and I don't have -- yes, I have -- I  
9 may have that with me.

10 Yes. We have our risk management information  
11 document that was handed out to everyone and is made  
12 available to the public. This is a copy of that document,  
13 and it outlines what needs to be done as a part of the  
14 risk management plan for sheltering place all the way to  
15 notifications.

16 DR. FORD: For the committee's information,  
17 could you describe generally your worst-case scenario?

18 MR. NEAL: Our worst-case scenario was the  
19 sudden catastrophic release of all the contents of our  
20 largest chlorine storage tank, liquid chlorine. And  
21 according to the government's guidelines, there were no  
22 mitigating circumstances.

23 The contents had to be released suddenly. The  
24 total contents had to vaporize immediately, and the  
25 environmental conditions had to be such that the cloud

1 would proceed in a manner where it would, under the worst  
2 atmospheric conditions, and would probably create the  
3 absolute worst-case scenario.

4           There was no mitigations, and it had to extend  
5 to what was known as the ERPG 2. That's the Emergency  
6 Response Planning Guideline 2, and 2 is that level of  
7 exposure such that a person could be exposed to that  
8 chemical for up to one hour without any kind of long-term  
9 health effects or debilitating effects such that that  
10 person could not seek shelter or get out of it.

11           We modeled that according to EPA's models, and  
12 it indicated that that three part per million  
13 concentration under worst-case conditions would be --  
14 would extend 25 miles from our plant. That, of course, is  
15 contained within this document.

16           In reality, as you know, the worst-case  
17 conditions are very extreme, and chlorine -- there's just  
18 enough heat available to cause liquid chlorine to vaporize  
19 immediately. We also have containment, and we also have  
20 emergency response procedures for covering us with foam  
21 and pumping the liquid out such that even if that were to  
22 occur, and it's not likely, since our storage tanks are  
23 carbon steel and they're seven-eighths of an inch thick  
24 and they're designed for 500 psi pressure. But that was  
25 our worst-case scenario.

1 MS. RICHARDSON: Further questions?

2 We thank you so much, Mr. Neal.

3 MR. NEAL: Yes, ma'am. Thank you, Madame  
4 Chair.

5 MS. RICHARDSON: We are now -- the chair is  
6 ready to recognize Mr. Glackin. Am I pronouncing you  
7 correctly?

8 MR. GLACKIN: I have an overhead that I wanted  
9 to put up.

10 MS. RICHARDSON: Yes, sir. And again, we're  
11 asking in the interest of time conservation if you would  
12 summarize as much as you can and let us bring out other  
13 things.

14 I don't know what the chair's excuse is now;  
15 it's not morning, but her voice is trying to mess up.

16 And then other facts will come out through the  
17 question and answer process. Thank you.

18 Gentlemen and lady, will you introduce  
19 yourselves into the record with the correct spelling of  
20 your last names, and then proceed as expeditiously as you  
21 can, please.

22 MR. GLACKIN: Let me introduce then as you  
23 mentioned the people, if you will, that I have to assist  
24 me with this program.

25 My name is Mike Glackin. I am the human

1 resources manager for Condea Vista Company at Lake Charles  
2 here and West Lake. --

3 I have with me Mike Kerlegon -- you want me to  
4 spell these or --

5 MS. RICHARDSON: That's up to the Reporter. I  
6 think she'd like that.

7 MR. GLACKIN: Mike Kerlegon, K-E-R-L-E-G-O-N.  
8 Mike is the manager of order fulfillment with Condea Vista  
9 Company. I have with me Ms. Monica Welch, who is a  
10 teacher at Western Heights Elementary School, and I have  
11 with me Ms. Betty Gasaway, G-A-S-A-W-A-Y, who is the  
12 program director for the Recreational District Number 1,  
13 serving residents of Mossville and West Lake.

14 VOICE: What is Ms. Betty Gasaway's position  
15 again, please?

16 MR. GLACKIN: I'm sorry, I couldn't hear.

17 VOICE: Betty Gasaway -- what's her position;  
18 her title?

19 MR. GLACKIN: Did I give your title correctly?  
20 Director. She is the director, program director for  
21 Recreation District 1. Okay?

22 Also, let me make a correction on myself. I  
23 was listed as being from Houston, Texas, and I've lived  
24 here in Sulphur for 20 years.

25 MS. RICHARDSON: That qualifies you.

1 MR. GLACKIN: Thank you.

2 As you're aware, Ms. Farella, we had already  
3 provided answers to many of your questions in writing.  
4 Additionally, however, you had asked us to speak and  
5 present information about our efforts to support and/or  
6 address environmental justice and non-discrimination.

7 At Condea Vista, we understand that the issue  
8 of environmental justice is more than just air, land and  
9 water concern. Environmental justice considers a  
10 company's total impact on neighboring communities. That  
11 impact ranges from emissions reduction efforts to local  
12 hiring and community efforts.

13 And based on this understanding, Condea Vista  
14 has addressed environmental justice a number of ways. We  
15 have supported and participated in one of the first  
16 environmental justice advisory panels in the nation, which  
17 was sponsored by the DEQ in 1994.

18 While this panel no longer meets, Condea Vista,  
19 as well as many advisory members of that group, have  
20 separated into other advisory panels locally in the  
21 community, which helps, certainly, with keeping the  
22 dialogue between industry and ourselves.

23 With regards to hiring, it is Condea Vista's  
24 policy, which I have here -- this is our policy which  
25 notes that we do provide equal employment opportunity to



1 all persons without regard to race, color, religion, sex,  
2 national origin, age, physical or mental disability, or  
3 veteran status.

4 This policy applies to recruitment, training,  
5 promotion, transfers, rates of pay -- all those conditions  
6 of employment. One way we help to ensure equal employment  
7 opportunity is by using the local Louisiana employment  
8 office.

9 This identifies qualified applicants for us,  
10 particularly for operations and craft testing, which is  
11 where we do most of our hiring. We believe that this  
12 office provides for the best resource for minority  
13 applicants available for work in our local communities.

14 Of our 454 employees that we have at Condea  
15 Vista currently, over 60 percent of these employees reside  
16 within five-mile perimeter of our facility. With regard  
17 to siting, I think the best way to discuss the proximity  
18 of our communities for you is to provide an aerial photo,  
19 which we try to provide here.

20 Can you move it up just a little bit, Mike?  
21 Thank you.

22 What we've outlined is in black outlines the  
23 Condea Vista complex and areas that we -- properties that  
24 we own. To our south you can see is the Conoco complex.

25 Thank you, Mike, if you'll help me point those

1 areas.

2 .To our north and northeast -- quite a large  
3 region -- that's the West Lake community. To our west, we  
4 have immediately outlined in white is the Georgia Gulf  
5 Corporation. And then the yellow outlining is partially  
6 starting into our neighbors which go beyond that stretch,  
7 and that is Mossville.

8 The reason that I have the area marked out in  
9 yellow is this is an area, as many of you are aware, that  
10 was a part of a community effort to buy homes in those  
11 particular subdivisions of Mossville as a result of  
12 litigation that we had.

13 The yellow section on the northeast side and  
14 West Lake is another area, but that was not due to  
15 litigation, that we are also purchasing homes. Even with  
16 these property purchases that have been conducted, we  
17 recognize that we must keep the lines of communication  
18 open with our neighbors, and we must work to minimize our  
19 impact.

20 Some of the things that we've done to address  
21 neighbor concerns have been identified and initially  
22 suggested, actually, by our Community Advisory Panels. Of  
23 those things, we have a 12 to 15-foot earthen berm around  
24 our facility to address noise, light, and aesthetics.

25 We have installed a muffler on our flare tip to

1 reduce noise. We've changed traffic patterns for  
2 construction, so that to help with the traffic around our  
3 facility. We operate a 24-hour call line. In providing  
4 tours, newsletters, we block-walk, we have employees that  
5 actually walk the blocks of our neighbors to help with the  
6 line of communications.

7 I'd also like to share we're committed to  
8 reducing emissions in our environment. One example of  
9 that commitment is evidenced by our tracking of EPA  
10 targeted emissions through what is known as the toxic  
11 release inventory.

12 Since 1987, Condea Vista has reduced these  
13 emissions to air, land and water by over 80 percent. Most  
14 importantly, we believe that the quality of life issues  
15 identified by local people as environmental justice  
16 concerns are best addressed by being involved in our  
17 communities.

18 That's why Condea Vista places such strong  
19 emphasis on outreach and suggests that these efforts and  
20 contributions and other donations. As you can see, we put  
21 in over \$150,000 annually in these programs -- programs  
22 towards United Way, nature conservancy, West Lake bird  
23 sanctuary, the YMC black achievers, et cetera, et cetera.  
24 Many programs that we are involved with.

25 Our three main areas of emphasis are employee

1 volunteerism, Partners in Education, and our near-  
2 neighborhood outreach. We brought you some examples. I  
3 thought it might be easier if we had some local people to  
4 help me present this to you, and therefore, I'm asking  
5 them to just share a minute or two with you.

6 The first presenter is Mike Kerlegon. Mike, as  
7 I mentioned, is our manager of order fulfillment at Condea  
8 Vista. He's very involved with our volunteerism program,  
9 and Mike is also the person who's responsible for the  
10 transportation at our facility,

11 MR. KERLEGON: Thank you. Madame Chairman,  
12 committee members, I'm very pleased to come before you  
13 tonight to give an update on our community volunteerism  
14 program, our Condea Vista volunteer program.

15 It was -- our program is -- it's a volunteer  
16 program is -- we have 450 local people working at Condea  
17 Vista, and we care about the area we live in. We're also  
18 involved in the community in a number of ways. Our  
19 volunteer program provides a mechanism for us to work  
20 within our community to enhance the quality of life by  
21 working with different groups and improving things.

22 Today we've got over 110 employees involved in  
23 our program. We've got various groups that -- Mike showed  
24 a slide where it talked about the financial contributions  
25 that we made to the different committees -- to the

1 different organizations.

2 (We also provide volunteer hours, because we  
3 also recognize that financial contributions are just part  
4 of the program. We do need to volunteer hours to make it  
5 go as well. Some of the programs that we've done at  
6 Condea Vista -- we've got the -- just some of the  
7 activities up there, we track the volunteer hours, the --  
8 and I'll talk about some of them a little bit more in  
9 detail.

10 But the Chemistry Expo is one of the things  
11 that we did last year. What we got about 700 different  
12 sixth-graders from the parish that came in and we did a  
13 program to try to enlighten them with the chemistry, and  
14 trying to encourage them in that endeavor to seek careers  
15 that way.

16 We also do the Dusk-to-Dawn Cancer Relay.  
17 There are some things that are not on there; for example,  
18 this past weekend we had 30 people involved in the Shiver  
19 Me Timbers volunteer program, helping out in building that  
20 park.

21 We've also got 40 people registered this week  
22 for the Inland Waterways Cleanup, so we're very active in  
23 the organization in the community activity. Some of our  
24 other activities, like the Christmas in April project,  
25 benefit our near neighbors; the cities -- communities of

1 Mossville and West Lake.

2           The Christmas in April Foundation is a  
3 nonprofit group that identifies homeowners with needs that  
4 might -- that they might not be able to take care of  
5 themselves. And what we do is we let them select the  
6 home, and the only stipulation that we add is that it's a  
7 near -- it's in Mossville or the West Lake community.

8           And what we're doing there is we refurbish the  
9 home. I mean, we do -- we've done things like we have got  
10 in and re-roofed the home. We've done plumbing. We've  
11 done electrical work. When we walk away from that home,  
12 what we wind up having is a home that is more secure, more  
13 weather-resistant, and it's a safer place for our  
14 neighbors to live.

15           Personally, I've also been involved in a  
16 organization called the Southern Youth -- Southern  
17 Regional Youth Institute, and our big project there once a  
18 year is we put on a camp for at-risk youth; for young men  
19 and young women.

20           It's about a week-long activity, and we -- what  
21 we're working on, the idea is to work with the youth to  
22 improve their self-esteem, to work with them to accept  
23 personal responsibility. It's a week-long activity. We  
24 take them away from the boom boxes. We take them away  
25 from the television, and we take them away from their

1 parents, and it's very refreshing or encouraging, if you  
2 will, to look at the growth that we see in our kids over  
3 that one-week activity.

4 You'd be surprised that in a week you can see a  
5 kid who didn't want to be part of that activity, all of a  
6 sudden he doesn't want to leave. And then you can watch  
7 the growth in those same kids, because a lot of our kids  
8 come back to us.

9 We have a -- we target a youth aged nine to 14,  
10 and by the time when you get them in at the beginning and  
11 you can watch the growth, some of those young men and  
12 young women that are very -- when they first get there,  
13 they're very active.

14 And by the time that they're nearing the end of  
15 the camp experience, those are the same ones that are  
16 taking the other youth underneath their wings and working  
17 with them and mentoring them. That just keeps us going --  
18 at least, keeps me going. So I --

19 MS. RICHARDSON: The chair had better interrupt  
20 to be clear with Mr. Glackin. If you want all of these  
21 people to say something, it's going to have to move a  
22 little faster. I've hoped that since you've asked people  
23 to come and testify, they would all have an opportunity.

24 So maybe if you could sum up, we do understand  
25 your outreach and community activities; not program by

1 program, but the overall concept of what you are trying to  
2 do, particularly for your neighbors. So if you would like  
3 to wrap up, I think Mr. Glackin needs to recognize other  
4 members of his presenting panel.

5 MR. GLACKIN: Well, I'll -- thank you.

6 MS. RICHARDSON: That's a good point right  
7 there to stop? Thank you.

8 MR. GLACKIN: Yes. We thought you may be  
9 interested in some of the specific programs and most  
10 people don't hear all these programs wind out specifically  
11 and what they really do. These are some excellent  
12 programs; they really are.

13 Thank you, Mike.

14 My next speaker is Ms. Monica Welch. She is a  
15 teacher at Westwood Elementary School, Western -- I'm  
16 sorry, Western Heights Elementary School. This is the  
17 school that is nearest to our facility.

18 MS. WELCH: And I want to thank you for  
19 allowing me to address you this evening.

20 As Mike has told you, I'm a teacher at Western  
21 Heights --

22 MS. RICHARDSON: Hold it just a little closer.  
23 It's not as sensitive.

24 MS. WELCH: -- I'm a teacher at Western Heights  
25 Elementary School, and I'm also a resident of the West



1 Lake area. And I've had the privilege of working with  
2 numerous employees from Condea Vista over the course of  
3 the past couple of years through our Partners in Education  
4 program.

5 Condea Vista is the only company in Louisiana  
6 to have been awarded the Partners in Excellence award in  
7 the State of Louisiana, and they've gotten this award  
8 twice. As one of the teachers who nominated him, I can  
9 tell you that the company and the employees definitely are  
10 deserving of that award.

11 We have a good level of employee involvement  
12 and management support. Condea Vista recently sold the  
13 area that was in charge of working with Western Heights  
14 Elementary, but in turn the company kept Western Heights  
15 Elementary as their partner even though they had a lower  
16 number of employees to service the school.

17 Some of the programs that they do in our school  
18 are the honor and band roll breakfast for the students,  
19 where they come in and honor our high achievers. They  
20 also have tutoring in the school. They have shadow day  
21 and touring of the facility.

22 We also focus on activities that directly  
23 benefit the students. One of the best things about the  
24 partnership is the open dialogue that we have with the  
25 employees and the plant management. We occasionally have

1 plant employees come to the school to speak to our  
2 students about the flare, because it's in their area that  
3 they live in, and also about the chemicals and the  
4 products that are made from all these chemicals at the  
5 plant.

6 One of the other things that Condea Vista has  
7 done is an open house in their plant, where they invite  
8 the entire community to come in, and they tour and they  
9 give demonstrations of what they do on a daily basis. Our  
10 partnership is one of the best in the state, because we  
11 work together.

12 Condea Vista is clearly reaching out into our  
13 community, and I'm glad that I've been a part of that.

14 Thank you.

15 MR. GLACKIN: Thank you very much, Monica.

16 Next speaker is Ms. Betty Gasaway, as I had  
17 introduced as the program director for Recreation District  
18 1 serving Mossville and West Lake. She'll give you a run-  
19 down about our near neighbor outreach efforts.

20 MS. GASAWAY: Thank you, Mike.

21 Madame Chairman, committee. At Recreation  
22 District 1, we have a good working relationship with the  
23 industry. Our strongest supporters are Conoco, Lyondell,  
24 PPG, and of course Condea Vista.

25 While these companies are the main tax for

1 Recreation District 1, they also go beyond the support by  
2 providing additional funding, donated items, and  
3 volunteers. My relationship with Condea Vista began in  
4 1994 when I assumed the position of program director.

5 The Mossville-West Lake after-school tutorial  
6 program in 1995 to present, they were very instrumental in  
7 implementing by giving us a \$10,000 grant, and they worked  
8 along with us, as well as Calcasieu Parish school board,  
9 to help us get this implemented.

10 Our Kids Against Tobacco program they also  
11 support annually. Our annual fun day and our yearly  
12 athletic banquet has been supported by Condea Vista as  
13 well. Recreation District 1 looks forward for and to a  
14 continuous friendly working relationship with this  
15 industry, as well as Condea Vista.

16 And thank you.

17 MR. GLACKIN: Thank you very much.

18 That concludes our speakers. We appreciate you  
19 inviting us to speak, and we'd certainly take an invite in  
20 the future if you want to continue, because this is a good  
21 forum, we believe, for helping in terms of communicating  
22 with our neighbors.

23 I'll take questions.

24 MS. RICHARDSON: Don't go anywhere. We may  
25 have some things we want to ask of you.

1 MR. GLACKIN: Yes. I'll stay right here.

2 MS. RICHARDSON: To the right, to the left.

3 Ms. Bourg.

4 MS. BOURG: Actually, I have five questions if  
5 you'll bear with me. The last question is perhaps most  
6 difficult.

7 I want to ask Ms. Gasaway if you would rather  
8 see the dollars of the company spent on recreation for the  
9 children or clean air for the children?

10 MS. GASAWAY: I'm not here to answer anything  
11 about clean air. I was only asked to give information on  
12 what they have done for our recreation district.

13 MS. BOURG: Thank you. I appreciate your  
14 position.

15 MR. GLACKIN: I would appreciate it probably  
16 if -- I was really the main speaker here that I don't know  
17 that my guests have come in preparation of answering  
18 anything.

19 MS. BOURG: Then I'll address the rest of these  
20 to you.

21 MR. GLACKIN: Thank you.

22 MS. BOURG: The president of your company in  
23 the 1999 report states that we must "operate with respect  
24 for and to safeguard our environment, and we must  
25 communicate well with our stakeholders. Substandard

1 performance in any of these areas diminishes the success  
2 of our company."

3 So my question to you is about the accidental  
4 releases in upset conditions. From March to August '99,  
5 there were 422 pounds of sulfuric acid released by  
6 accident, 250 pounds of EDC, 22 pounds of vinyl  
7 chloride -- it goes on and on and on with about ten or 15  
8 incidents.

9 What was the level of communication to the  
10 residents in Mossville and the working community of West  
11 Lake on those incidents from March through August '99?  
12 Could you -- thank you.

13 MR. GLACKIN: I understand your question. I am  
14 not real sure, to tell you the truth, exactly what was  
15 done at those particular incidences. I can say as far as  
16 you mentioned they were accidental, that every industry  
17 does their best to not have any accidents, obviously:

18 Our accident record at our plant is very, very  
19 good. We have improved to an extremely good percentage  
20 there, but --

21 MS. BOURG: All right. Next question to you  
22 is: Looking at the five-year incident and accident  
23 report, in January 24, 1995, there was -- Mossville  
24 community had to shelter in place for 20 minutes, and  
25 there was a release of almost 1,800 pounds of hydrogen

1 chloride, almost 4,300 pounds, 4,260 pounds of vinyl  
2 chloride, 6,510 pounds of ethylene dichloride.

3 On March 10 there was a short in the electrical  
4 control for air compressors that led to the failure of the  
5 electrical supply of units cooling water supply pumps. It  
6 resulted in release of 6,500 pounds of vinyl chloride,  
7 52,000 pounds of ethylene dichloride -- and it goes on.

8 And the community was asked to shelter in place  
9 for 50 minutes. And the list goes on -- 21,000 pounds of  
10 this and that. How were you communicating -- the record  
11 is rather startling -- how were you communicating with the  
12 residents in those communities?

13 MR. GLACKIN: We, as most of the industry,  
14 belong to what they call CAER, which is Community  
15 Awareness and Emergency Response. That is a very well put  
16 together, I believe, group which discusses how to handle  
17 shelter in place with the four steps, et cetera, and  
18 communicates very well.

19 We, as we've explained already, I believe,  
20 we've got a number of outreach methods that we use. We  
21 walk blocks at times when we need to talk to our near  
22 neighbors. But we use this pretty extensively, and from  
23 my understanding, it works very well.

24 MS. BOURG: Looking at the TRI -- the toxic  
25 release inventory -- air release for Calcasieu Parish in

1 1998, it seems that your 1998 releases overall, and also  
2 in the stack for air releases, were higher in 1998 than  
3 1997. How does that jive with your president's statement  
4 in the report, sir?

5 MR. GLACKIN: Well, the president's statement  
6 that I believe I made was since 1987, we have reduced  
7 emissions in that report by over 80 percent since that  
8 time period. I cannot explain the little particular years  
9 that you have given me.

10 Let me also, if you will, and maybe also for  
11 your timing, I have Mike assisting me with these  
12 questions, and we will -- we are taking these down. We'll  
13 certainly -- I'm obviously not technically involved in a  
14 lot of these things to give you the answers you want. We  
15 would certainly like to supply those.

16 MS. RICHARDSON: That would be very  
17 satisfactory. Yes.

18 Dr. Wright.

19 DR. WRIGHT: Good afternoon.

20 MR. GLACKIN: Good afternoon.

21 DR. WRIGHT: I'm sorry you weren't here for my  
22 last statement about the canaries. You're a human  
23 resource manager. All I'm saying -- I said I'm sorry you  
24 weren't here earlier when I made some statements about  
25 canaries in the mine that are sent to us.

1           As a human resource manager, you're not exactly  
2 the person who can answer a lot of the technical questions  
3 that we have. So I'm going to ask some questions that  
4 aren't very technical, but I think I really need an  
5 explanation.

6           When you talk -- you showed us the map, and you  
7 talked about purchasing homes. I wanted -- first of all,  
8 why are you purchasing homes, and are you buying them for  
9 resale?

10           MR. GLACKIN: The reason that we purchased  
11 homes in the home purchase area on the Mossville side, the  
12 west side of the complex, was the result of a settlement  
13 agreement.

14           DR. WRIGHT: So you say purchase homes. It  
15 just sounds like, I'm going out looking for a new house.  
16 I think there was a little more serious --

17           MR. GLACKIN: No. There was litigation  
18 involved, and there was a settlement agreement made on  
19 purchase of certain subdivisions which I outlined. That  
20 agreement was basically made in terms of -- by their legal  
21 assistants that represented the people, and I can say that  
22 the judge did say that our decision was fair.

23           DR. WRIGHT: Okay. All right. My other  
24 question is really to the school teacher. Are you here in  
25 Mossville, or I thought they said Houston, Texas?



1 MS. RICHARDSON: Pardon me, Dr. Wright, please.  
2 I think Mr. Glackin has stated that these people came  
3 solely to make this presentation about good corporate  
4 citizenship, but they came not prepared to answer any  
5 questions.

6 DR. WRIGHT: But the question that I'm going to  
7 ask is about her program. It's not a question for him.  
8 I'm just going to ask about the program.

9 MS. RICHARDSON: I'll ask him.

10 MR. GLACKIN: If she wishes to answer, I'll  
11 certainly oblige.

12 MS. WELCH: I can try.

13 DR. WRIGHT: Okay. I just wanted -- I was  
14 really interested -- you talked about the program, and I  
15 wanted to ask, first of all, do you talk to the children  
16 at all about health risks as it relates to certain  
17 chemicals, about emergency responses if your school is  
18 near one of the sites, and about shelter in place as well.

19 If it's coming from the chemical company, these  
20 are some of the responses that children in schools near --  
21 and also for you, if you work there -- is there anything  
22 going on in the schools to make kids aware of health risks  
23 and how to be careful and emergency response and shelter  
24 in place?

25 I'm just wondering if these kinds of things are

1 also being taught for children in schools that are at  
2 risk.

3 MS. WELCH: And to answer your question, we  
4 annually talk about the shelter in place procedures. We  
5 go over it. We have the students -- you know, being a  
6 teacher in fourth grade whereas the science teacher, and  
7 that's when I'd have people from the plant come out and  
8 speak to my class about what they do at the plant; what do  
9 they make, you know, why is it important for us to not  
10 just have the --

11 You know, we have to have the plant there,  
12 because it showed the kids what they give back to us as  
13 far as the -- what do the chemicals -- what products do  
14 the chemicals go into. And we go over -- for the past  
15 three years I've had a sociologist from McNeese come out,  
16 and he would give -- you know, at the beginning of the  
17 year and the end of the year, kind of like a little quiz  
18 to the kids on if they knew the procedures of the shelter  
19 in place.

20 And during the year, we would annually go over  
21 it, along with all the TV ads they have and, you know, the  
22 community itself -- KPLC, you know, gives incentives and  
23 they ask them to -- I forget; they have like a contest in  
24 the area on the shelter in place.

25 DR. WRIGHT: I just wanted to share with you

1 that at our Center in New Orleans, we've developed an  
2 environmental justice curriculum for K through sixth grade  
3 that I think just might give them more balanced view of  
4 what's going on than maybe you would get just from people  
5 coming from the plant.

6 I have another question, and that is have you  
7 observed any irregular or increased rates of illness, like  
8 asthma or sickness, children missing school due to illness  
9 at your school, since it's in this area, I guess more so  
10 that what you would expect?

11 MS. WELCH: I'm in -- I've been teaching for  
12 ten years now, and at the beginning of my career I taught  
13 in Cameron Parish near the coast, and I can compare that  
14 where I am now, and I don't really see a higher  
15 significance of children.

16 You know, I've had occasional asthma. Right  
17 now I don't have any in my class that have any asthma this  
18 year. I really couldn't say that I see a higher  
19 percentage in the school I'm at now as compared to the  
20 schools I've been at in the past.

21 DR. WRIGHT: And I have one final question, if  
22 you don't mind. When -- then this is to Mr. Glackin, and  
23 I'm still not sure that you're the right person to answer  
24 this question, but in looking at where your plant is and  
25 how it has expanded, if you had to offer suggestions to

1 the Environmental Protection Agency, for example, about  
2 how to situate plants that produce dangerous chemicals the  
3 way that your plant does, in relationship to where you  
4 should allow people to live, what would be the what you  
5 would consider as safe distance for people to live, work  
6 and -- well, live and play -- from your plant being as  
7 vital as you say it is but also dangerous, as we know it  
8 to be?

9 MR. GLACKIN: You're right. I may not be the  
10 correct person to try to answer that question, and that's  
11 almost more of a personal question no matter who you ask  
12 it to. I might add that personally, I live five miles  
13 from the plant and I work there every day. I do not have  
14 any fears whatsoever of working in this industry.

15 MS. RICHARDSON: Thank you.

16 Ms. Bourg.

17 MS. BOURG: In the report -- your annual report  
18 goes on to say; "An industry example of Condea Vista's  
19 product stewardship is participating in a national effort  
20 to develop and communicate to the public the toxicity  
21 information of a large number of chemicals." It's -- and  
22 then you relate it to the chemical right-to-know  
23 initiative that you support.

24 On June 5, 1999, there was an incident in which  
25 21,400 pounds of hydrogen chloride gas was released, and

1 540 pounds of vinyl chloride was released. Are you  
2 familiar with the carcinogenic or developing fetus  
3 implications on either of those compounds, and were any of  
4 those right-to-know informations given to either West Lake  
5 or Mossville communities, sir?

6 MR. GLACKIN: I'm -- we'll have to take that  
7 question and answer. I'm not technical enough to answer  
8 that. I'm sorry.

9 MS. RICHARDSON: And thank you so very much.

10 MR. GLACKIN: Thank you.

11 MS. RICHARDSON: Do you have a copy of the  
12 statement that you'd like to leave? Give it to the  
13 Reporter. Sir?

14 MR. GLACKIN: The overheads -- do you want  
15 those?

16 MS. RICHARDSON: We would like a copy of those,  
17 certainly. Thanks again.

18 And we're going to move now to Bill Easter,  
19 general manager of Conoco Gulf Coast business unit in Lake  
20 Charles.

21 Mr. Easter.

22 MR. EASTER: Good evening.

23 MS. RICHARDSON: Welcome, sir.

24 MR. EASTER: Thank you. Madame Chairman and  
25 Committee, I'd like to ask two of my colleagues to join

1 me. I'll be doing the presenting, but I've asked them to  
2 join me to help with questions.. They can help address any  
3 technical issues you might have.

4 I might introduce them. This gentleman is  
5 Robert Loveless, who is the director of safety at our  
6 refinery here locally. And this gentleman to my left is  
7 Reed Marton, M-A-R-T-O-N, who is our manager of  
8 environmental affairs for the business unit, so he looks  
9 after the refinery as well as our operations throughout  
10 the region.

11 MS. RICHARDSON: Please proceed, sir. Oh, I'm  
12 sorry. Would you repeat them, please, and the titles.

13 MR. EASTER: Yes. The first one is Robert  
14 Loveless, L-O-V-E-L-E-S-S, and he is the director of  
15 safety at the Lake Charles refinery. The other gentleman  
16 is Reed Marton, M-A-R-T-O-N, manager of environmental  
17 affairs, business unit.

18 We also have a series of slides that we would  
19 like to utilize; some pictures, some words. In answers to  
20 time, we will try to race through these pretty quickly.  
21 Some of the issues, other speakers have talked about.

22 But first of all, we'd like to begin by saying  
23 thank you for inviting us to come and speak with you this  
24 evening and also, obviously, for your time.

25 My name is Bill Easter. I'm the general

1 manager of the Conoco's Gulf Coast business unit, which is  
2 refining, marketing, transportation in a ten-state area.  
3 Most of our assets are located here in Lake Charles,  
4 including the refinery, transportation assets, et cetera.  
5 We also operate marketing facilities.

6 I've personally lived in Calcasieu Parish for  
7 two years now. During these hearings, you've heard  
8 already from representatives from a wide variety of  
9 special interest groups, industries and businesses from  
10 the community, and I know all have made a concerted effort  
11 to convey their respective priorities and concerns around  
12 environmental justice, and I'm sure that those coming  
13 tomorrow will do the same.

14 Tonight I'd like to focus my comments on the  
15 role Conoco sees for itself as a multinational corporation  
16 and as a member of this community for nearly 60 years now.

17 At Conoco, our activities are guided by four  
18 basic core values. Those include safety, environmental  
19 stewardship, valuing all people, and then maintaining high  
20 ethical standards. These core values are woven into our  
21 culture. They're fundamental to our vision of being  
22 recognized around the world as a truly great company.

23 This next -- well, if we think about Conoco  
24 employees around the world, we actively seek to live these  
25 core values every day. And again, this is especially true

1 here in Calcasieu Parish, where we have over 1,200  
2 employees and hundreds of honored retirees.

3 Our core values are also fundamental to  
4 Conoco's notion of sustainability. And by that, I mean  
5 providing cost-effective energy to fuel global growth  
6 while protecting the environment and contributing to the  
7 quality of life in the communities where we operate.

8 Sustainable development is one of those phrases  
9 that seems to have parachuted into our vocabulary almost  
10 overnight without being very well understood, and  
11 certainly without having a common meaning among us. At  
12 Conoco, we interpret this term, sustainable development,  
13 to mean development that meets the needs of the present  
14 without compromising the ability of future generations to  
15 meet their own needs.

16 And I would insert a comment here that  
17 obviously, we're on a journey to define that better and  
18 understand it and make sure that that is truly the way we  
19 operate as a company.

20 I think what makes this concept of  
21 sustainability so important is the clear evidence that  
22 each successive generation is placing a heavier and  
23 heavier burden on the environment. Planet Earth is  
24 getting smaller by the year.

25 Fifty years ago, the world population was 2-1/2



1 million people. Today it's risen to 6 billion. I'm  
2 sorry; it was 2-1/2 billion. Today it's risen to 6  
3 billion, and the projection is by the middle of the next  
4 century we're going to be at 10 billion, which is just  
5 phenomenal growth.

6 At the same time, society's expectations are  
7 growing. Each generation expects to enjoy a better  
8 standard of living than the one before and as a  
9 consequence, industrial development and energy consumption  
10 are growing tremendously, and man's impact on the planet  
11 becomes more and more far-reaching.

12 The underlying question is how on earth do we  
13 resolve the paradox of meeting the needs and aspirations  
14 of an ever-increasing global population without placing an  
15 ever-increasing and ultimately catastrophic burden on the  
16 planet or its inhabitants?

17 What makes this concept of sustainable  
18 development both challenging and stimulating is the fact  
19 that interests that are usually seen as being at odds with  
20 one another are instead seen as interdependent. The  
21 platform of sustainability stands on three equally  
22 important pillars.

23 The first is economic growth -- no particular  
24 order here -- the first is economic growth. Another one  
25 is environmental protection, and the third one is social

1 progress. To succeed, sustainable development requires  
2 commitment, cooperation, and creativity by all of us.

3 For the sake of our discussion this evening,  
4 I'd like to concentrate for the most part on two of the  
5 three pillars: environmental protection and social  
6 progress. First, I'd like to talk about our value for the  
7 environment.

8 Conoco's concern for environmental protection  
9 is manifest in our core value of environmental  
10 stewardship. And our environmental creed is represented  
11 here -- conducting business with respect and care for the  
12 environment where we operate.

13 For many years, Conoco has been recognized as  
14 an industry leader in environmental care with a reputation  
15 for innovation and successful operations in  
16 environmentally sensitive areas. I'm proud to say that I  
17 could say many examples on a global basis of this  
18 commitment.

19 But for the sake of brevity, I'll focus just on  
20 a couple of local examples. This particular slide is an  
21 aerial photo of the Lake Charles refinery located in West  
22 Lake. At our refinery, increased operating reliability  
23 and flare reduction program has contributed to a 40  
24 percent reduction in volatile organic compounding  
25 emissions and 20 percent reduction in sulphur dioxide over

1 the last two years.

2 And I might stop here. The flare, in case  
3 anybody is not familiar with it, is essentially a safety  
4 device that takes away or consumes safely by burning any  
5 hydrocarbons that may be free in the system, if you will.  
6 The VOCs are recovered and used in the refinery as fuel  
7 gas. The SO<sub>2</sub> is processed and recycled as sulphur for use  
8 in fertilizers and other products.

9 In addition to reducing emissions, our flare  
10 reduction program has greatly reduced a tangible, a very  
11 real concern for our near neighborhoods; namely, seeing  
12 the flare and wondering what it was about. But at the  
13 same time, it's also increased operator discipline and  
14 pride in the quality of our operation.

15 I go to the next slide. Here's another example  
16 of a Conoco corporate decision that has dramatically  
17 improved the integrity of our operations here in Lake  
18 Charles. Conoco's decision to become the first petroleum  
19 company to voluntarily commit to build only double-hulled  
20 tankers was made in 1990, years prior to U.S. legislation,  
21 and now mandates that all tankers visiting U.S. ports have  
22 double hulls by the year 2015.

23 So we were 25 years ahead of that deadline when  
24 we made the decision. Since launching an initial double-  
25 hull tanker in '92, Conoco's fleet has grown to seven

1 vessels, and in the wake of that historic commitment, the  
2 benefits to that decision have proved to be substantial.

3 This next picture demonstrates exactly what I  
4 mean. On Halloween 1997, the Guardian, one of our ships  
5 loaded with more than 500,000 barrels of crude oil, was  
6 struck by a barge flotilla at the Port of Lake Charles.  
7 Rip of 400 square foot -- rip 400 square foot of steel  
8 from most loaded oil tankers, and you've got an  
9 environmental nightmare.

10 But the double-hull construction, not a single  
11 drop of the Guardian's shipment escaped into the Calcasieu  
12 River. Before I leave the area of environmental  
13 stewardship, I must point out the extensive level of work  
14 that Conoco is doing in concert with the EPA and the  
15 Louisiana DEQ to address environmental legacy issues  
16 associated with Bayou Verdine -- with the Bayou Verdine  
17 area of the Calcasieu Estuary.

18 We're proud to be a leader in addressing this  
19 important issue. A sizable part of Bayou Verdine is  
20 located within the boundaries of our refinery property.  
21 Work is progressing well in identifying the extent of the  
22 environmental impact of our operations from years before  
23 EPA was even formed.

24 And we are working hand-in-hand with the state  
25 and federal agencies to develop an effective remediation

1 effort. We are approximately -- I think you all know that  
2 EPA is leading an investigation here. We are actually  
3 doing the investigation work on Bayou Verdine on our own.

4 We're some six to eight months ahead of the EPA  
5 effort, and it was something that we chose to do  
6 voluntarily on our own.

7 I'd like to turn now to social responsibility  
8 and our commitment to the community. This is an area of  
9 involvement that I like to refer to as the giving of time,  
10 treasure and talent. Conoco has been a strong  
11 philanthropic contributor within the community from the  
12 first day the company began operating here; again, almost  
13 60 years ago.

14 In '99 our total support to civic, community,  
15 charitable, and educational causes totalled more than  
16 \$600,000. That included \$300,000 to the United Way alone,  
17 and we served as a Pacesetter company there. But again,  
18 our -- or I should add that our involvement really extends  
19 to more than dollars.

20 It really has to do with people respecting and  
21 helping other people. There's a series of slides, and  
22 let's run through these real quickly. You'll see things  
23 like turkey donations, things we do around, beach  
24 cleanups. If we jump really to the Partner in Ed, that's  
25 the one that I take a lot of personal pride in.

1           In the K through 12 educational area, Conoco is  
2 involved with two partner schools, both high schools, West  
3 Lake High and then Lake Charles Boston. We're also a  
4 partner through one of our joint venture companies in  
5 College Oaks Elementary.

6           And again, we're involved in terms of providing  
7 tutors and speakers. We've had a pilot program for  
8 tutoring math. This next slide will show that we've also  
9 been involved with sponsoring teachers to participate in  
10 the annual meeting of the National Science Teachers  
11 Association.

12           Trying to get through this quickly, Madame.

13           The next one we're just tickled pink about, and  
14 that's the fact that earlier this year, Conoco was  
15 recognized for its effort in the PIE area. The Louisiana  
16 Department of Education honored Conoco with two of the  
17 state's five annual Distinguished Partner in Education  
18 awards, one at West Lake High and the other at College  
19 Oaks, so you might call that a two-for.

20           In terms of funding for higher education, we're  
21 actively involved there. There's a scholarship program  
22 involving -- or for the benefit of Mossville eligible  
23 students at McNeese. We have -- we're involved with  
24 Southern.

25           We recently granted the first ever \$25,000

1 Circle of Excellence scholarship award here locally to a  
2 young woman from Lake Charles Boston. That degree will  
3 fund her for four years. It also carries with it a  
4 commitment for summer employment at our plant, and of  
5 course we're very hopeful that she'll come to work for us  
6 once she finishes her studies. Outstanding student.

7 We're also involved with the petroleum  
8 technology program at McNeese, and then we have several  
9 employees that serve on the engineering board at McNeese  
10 as well. Let's see. Let's go to the next one.

11 This particular picture highlights the fact --  
12 or really, the mix of two new classes of operators that  
13 have come on at our refinery this year. Again, we're  
14 relying, like all other industrial sites are, to take our  
15 pool of candidates from petroleum technology programs. In  
16 this case, both from McNeese and Lamar.

17 Real quickly, the next one -- this is an  
18 interesting one. It highlights the Conoco Safety House.  
19 This is a fire safety house, and we literally -- it's a  
20 trailer that we literally pull around the area during a  
21 one-month period each year. Our employee volunteers train  
22 more than 7,000 elementary school children in safe ways to  
23 exit a burning house, and this program's been going on for  
24 a number of years.

25 Let's jump two forward. Next one. Next one.

1 after that. Special Olympics. We're a major sponsor for  
2 Special Olympics in southwest Louisiana. It has a very  
3 special place in our heart, and in fact, Conoco's heart  
4 around the country.

5 Our employees are involved in helping set up  
6 the day before the event, escorting the athletes into the  
7 stadium, and working with them throughout the day. Let's  
8 go to the next one. Let's see -- Christmas in April  
9 you've heard about. An original participant, long-  
10 standing sponsor. Let's go to the next one.

11 Like to talk just a minute about Citizen  
12 Advisory Panels. Stewardship of two of these panels, or  
13 Conoco's involved in two of these panels; one specifically  
14 for our operations. The other is a joint CAP for I-10  
15 industries.

16 You'll see in your packet a reference to the  
17 Website, and we would invite you to view that at your  
18 convenience. There's also a brochure in the packet that  
19 talks about our CAPs.

20 I would also like to talk about Conoco's START  
21 program is an example of our corporate support in the  
22 community, but in this case, with a clear business focus.  
23 START is a special purpose credit program designed to  
24 assist qualified minority and/or women in becoming Conoco  
25 branded marketers.



1           The program addresses the number one challenge  
2           sited by potentially qualified individuals, and that's  
3           financing. Just eleven days ago, the Wallace family of  
4           nearby Beaumont broke ground on their new Conoco retail  
5           facility.

6           And we're also working with local jobbers to  
7           identify -- try to identify potential candidates here in  
8           southwest Louisiana.

9           MS. RICHARDSON: Mr. Easter, please pardon me.  
10          Would you wrap up in order that we might have time to ask  
11          some questions in particular areas of interest that we  
12          might have.

13          MR. EASTER: Okay. I will. Just one last  
14          section, Madame Chairman, and really, I was at the end.

15          Before I close, I'd like to take a minute and  
16          focus on the third pillar, which is economic performance.  
17          Fundamentally, we believe it's impossible for a company to  
18          support sustainable commitments to environmental  
19          stewardship and social responsibility if it's not able to  
20          demonstrate strong financial performance.

21          Accordingly, we're continually seeking to  
22          enhance our operations in ways that sustain and/or improve  
23          our position in an increasingly competitive global  
24          environment or marketplace. This often requires  
25          modifications or additions to our facilities.

1           While not always popular, such changes are  
2 critical to the economic future of Conoco and, in fact,  
3 the community. Our commitment in that regard is to engage  
4 the community early on and make sure that the  
5 environmental impacts are mitigated.

6           I'd like to stop there. We are certainly open  
7 to try to answer any questions that you all have. Thank  
8 you.

9           MS. RICHARDSON: And thank you, sir.

10           Are there questions from the committee members?

11           Yes. Ms. Seicshnaydre. Oh, well. This is the  
12 hardest part of this job. It doesn't reach? Please  
13 proceed.

14           MS. SEICSHNAYDRE: You mentioned some  
15 partnerships with DEQ as well as EPA. We heard some  
16 testimony earlier today about some unfortunate examples of  
17 regulators actually impugning industry efforts to address  
18 environmental concerns as opposed to facilitating them.

19           I'm wondering if you have had any experiences  
20 where regulators may have impeded efforts. And otherwise,  
21 can you comment on suggestions you might make for how  
22 regulators could better facilitate efforts on your behalf.

23           MR. EASTER: The estuary is probably an  
24 excellent example. And it's -- there's both positive and  
25 negatives in our experience. When I -- to say that we

1 have a partnership with DEQ and EPA may be a bit of an  
2 overstatement.

3 We do have an extremely good working  
4 relationship, I believe, with DEQ, who obviously is  
5 charged with regulating our industry, so it is -- that's  
6 the context of it. But it's a positive working  
7 relationship.

8 We have been able to craft a program that seems  
9 to work. They've encouraged us to be aggressive, if you  
10 will, in addressing the issues and have tried to be  
11 supportive. And that support has been demonstrated in a  
12 number of ways; the most significant is probably their  
13 attempt to help us work with the EPA.

14 Obviously, as we embarked on this voluntary  
15 program, what we were interested in getting was some sort  
16 of, you would hope, approval, but at least a positive sign  
17 from the regulatory agency that we were heading down the  
18 right path, but we were not about to step off the cliff.

19 The DEQ was responsive. The EPA was much less  
20 so. I think the EPA had more of a tendency to want to  
21 rely on the bureaucratic process and their process of  
22 approaching things with almost a Superfund mentality. So  
23 it put us in a position where we had to charge on.

24 And what we've done as a result is place a lot  
25 of emphasis on creating a talking relationship with the

1 EPA and trying to engage them in dialogue. And so it  
2 functions reasonably well at a lower level. As you try to  
3 carry it up the line, it's -- there's a very high fog  
4 factor. You don't know exactly what it's going to look  
5 like.

6 But we're making progress. You've probably  
7 heard something about the estuary task force that exists  
8 today. I think that is a very positive thing that the  
9 politicians in the area, both at a local, state and  
10 federal level, helped bring about.

11 So we've got community members, we've got  
12 politicians, we've got industry members, as well as  
13 representatives of the regulatory bodies that are there in  
14 sort of an advisory capacity. But it provides a forum to  
15 talk about it, and quite frankly, to put heat on doing  
16 what's really called for, and that's finding a solution.

17 Let's not get hung in the bureaucracy and all  
18 the other issues that surround this. Let's move toward a  
19 resolution. So there's some issues. I would hope that  
20 what we're doing here is a bit groundbreaking and could be  
21 a model for somewhere else. That's a personal ambition of  
22 mine.

23 DR. FORD: Very briefly. Your presentation is  
24 extremely impressive and your literature is impressive.  
25 My question is: Is it your perception that the community

1 perceives you in that light? I mean, for someone who  
2 knows little about your company, just listening to you  
3 tonight, looking through your material, I would come to  
4 the conclusion that this a great company with a great  
5 image.

6 Is -- do you perceive that the Lake Charles  
7 community sees Conoco in that light; and if by some reason  
8 they don't, do you have any notions about how they could  
9 be more impressed?

10 MR. EASTER: Well, you know, I would love to  
11 tell you that they see us that way, but my basic guess  
12 would be, the answer is no. I think some do. I think  
13 some see us as being more progressive and moving in the  
14 right direction. But, you know, the proverbial saying,  
15 the proof is in the pudding. People want to see more.

16 Some of the things that we've done really over  
17 the last couple of years have been to be more visible,  
18 more involved in the community. So we have people here  
19 tonight that not only participate in CAPs, but also attend  
20 meetings from -- of CLEAN and MEAN.

21 They're -- you know, our people are known, and  
22 I would like to think that we've reached a point where  
23 they accept the fact that we're going to show up and that  
24 they can contact us if they have issues.

25 So I describe this as a journey. I mean, one

1 of the things -- I mean, I -- you know, maybe I'm going on  
2 too long here, but I was out of the country for six years.  
3 Whole different environment. I came back to Lake Charles,  
4 right in the middle of really a hotbed of environmental  
5 and legal and all other issues.

6 And, you know, I think we're all in a bit of a  
7 struggle. We're all on a journey. I think that folks  
8 like us are typically viewed as engineers. We like  
9 numbers. We don't -- you know, we don't feel comfortable  
10 talking to the public. We haven't always put forth  
11 adequate effort to get out and talk to people and listen  
12 to what their issues were and explain what was going on.

13 So I think we're starting that, and I'm proud  
14 to say that my company is being aggressive about that.  
15 I'm not going to pass judgment on what other people are  
16 doing. I just know that we're after that. I don't think  
17 that's a transition or journey that gets completed  
18 overnight. We just have to keep working, and we'll see  
19 where we go.

20 MS. RICHARDSON: Well, sir, you mentioned that  
21 at least your people know that you will show up. Who was  
22 the philosopher who said, Ninety percent of life was just  
23 showing up. So at least you've made a step forward.

24 Other questions? Ms. Bourg.

25 MS. BOURG: I, like Dr. Ford, believe that your

1 presentation as well as the materials from the company are  
2 impressive and certainly bold to have environmental  
3 stewardship as one of the three core values of your  
4 company, so I congratulate you on that.

5 MR. EASTER: Thank you.

6 MS. BOURG: I do have some specific questions  
7 about communities that are here around in this area. What  
8 is it exactly that Conoco is releasing into the estuary?

9 MR. EASTER: Well, we're not releasing anything  
10 today. The estuary issue is a legacy issue, I call it.  
11 Certainly, we are operating according to all regulations  
12 on air and water releases today. The estuary is not about  
13 water. It is really about sediment issues.

14 I was surprised to find, for instance, that it  
15 wasn't until 1975 that a lot of the chemicals that are  
16 actually manufactured in this area came under regulation  
17 by the EPA. So if you think about this industrial complex  
18 we have here -- I mean, it dates back 40 to 50 years.

19 Technologies were introduced. People operated  
20 under a standard at the time, but things were released  
21 into the environment. So that now has become a sediment  
22 issue, and that's what's being addressed. So it ranges  
23 from PHAs to zinc to questions about EDC. I mean,  
24 there's -- anything that's been produced here, I think, is  
25 fair game for investigation.

1 MS. BOURG: TCDD, dioxin would be in there  
2 also? -- --

3 MR. EASTER: Conceivably, yes.

4 MS. BOURG: I noticed that the toxic release  
5 inventories for air in Calcasieu Parish for Conoco for the  
6 fugitive air releases increased from '97 to '98, and thus  
7 your total air releases increased over that year period  
8 from '97 to '98. Can you address that?

9 MR. EASTER: Can you address that? I've got  
10 some data on benzene. I don't know that it addresses the  
11 broad issue.

12 MR. MARTON: Yes. Directionally, our VOC  
13 reporting --

14 MS. RICHARDSON: You have to hold it real  
15 close. It's not sensitive.

16 MR. MARTON: Okay. I'm sorry. Directionally,  
17 our VOC reporting of volatile organic compounds or  
18 hydrocarbon emissions that we report through TRI are --

19 MS. RICHARDSON: Sir, you're still not  
20 projecting. I'm sorry, but I see the question --

21 MR. MARTON: They are closely related to --

22 MS. RICHARDSON: That's fine.

23 MR. MARTON: They are closely related.

24 Hydrocarbon emissions are closely related to our day-to-  
25 day operation. The movement of oil through our refinery



1 through tankage, through our lines, and the fugitive  
2 emissions are -- they are a calculated emission of  
3 hydrocarbons based on throughput largely.

4 And so as numbers increase, they do reflect  
5 generally an increase in our production activity. And  
6 we've been quite successful in increasing our ability to  
7 keep our process units operating soundly and continuously.  
8 And one of the effects of that would be an increase in  
9 hydrocarbon emissions, or VOC emissions.

10 MS. BOURG: Can you appreciate how the  
11 communities might find that, though they may be happy for  
12 your production level going up, they may be concerned  
13 about the TRI, the air release numbers going up, too. Can  
14 you appreciate that?

15 MR. MARTON: Absolutely. And that's why we  
16 have very aggressive leak detection and repair program.  
17 Our performance on that program versus the expectations in  
18 the regulations are well below the standards that are set.  
19 We generally operate at about a half percent leak rate,  
20 which compares to a general federal standard of around --  
21 you know, trying to maintain operation within a 2 to 4  
22 percent leak rate.

23 And so we are generally well below that. The  
24 way we try to address our emissions is through very  
25 aggressive management of our operating units. We're

1 obviously disappointed every time there's an upset  
2 condition that takes place.

3 We can provide reasons for that, but we can't  
4 provide excuses for that. It happens, and we try to learn  
5 from every one of those incidents.

6 MS. BOURG: Thank you. The Conoco refinery in  
7 '97, for example, released through the fugitive medium, I  
8 guess, 3,600 pounds of benzene and through the stack,  
9 4,700 pounds. Benzene is a human cancer-causing agent.  
10 It can -- it's a toxic thing, surely, and we can go on  
11 with three or four or five or six of these other releases  
12 that are contained in the '97 and '98 air releases in the  
13 West Lake area.

14 And if you look at the health effects of those,  
15 you can see why people might be kind of concerned about  
16 that. So how specifically is Conoco addressing those  
17 concerns, I mean, other than the educational programs and  
18 the goodwill things you're doing in the community?

19 I think I'm hearing over and over earlier  
20 today, they want the meat-and-potatoes knowledge of how  
21 you're going to protect their communities of African-  
22 Americans and hard-working families by the reduction of  
23 things that they consider making them sick or that surely,  
24 by most scientists' standards, are not too good to be  
25 having in the air?

1 MR. MARTON: In the same way that we're  
2 concerned about protecting our employees, we are concerned  
3 with protecting the communities around us. The way we  
4 address that is through a hard focus, and a much improved  
5 focus over the years, on mechanical integrity.

6 If we can keep the equipment running,  
7 performing well, doing its job properly, keeping our  
8 pollution control equipment in operation at all times,  
9 that is our best protection from emissions. And as  
10 emissions increase, we are tracking those emissions  
11 increases and searching constantly for any technological  
12 upgrades we can make to our equipment, operational changes  
13 we can make to try to drive reduction.

14 And that's generally an everyday part of our  
15 activity. That's what we're accountable for looking  
16 after. But mechanical integrity is extremely important to  
17 both the business success as well as the environmental  
18 protection.

19 MS. BOURG: So help me out here. As the  
20 economy gets better or as Conoco increases its production,  
21 is it likely that the community should look forward to  
22 more of these releases in the years to come because the  
23 production amount went up?

24 MR. EASTER: No. No. I'd say the answer to  
25 that is no. I'd like to go back to the -- to air

1 emissions, and I'm looking at some data contrasting  
2 benzene emissions in 1993 versus 1998. In '93, we  
3 released almost 32,000 pounds. In '98, it was 9,400  
4 pounds. So a very substantial reduction.

5 I mentioned in my comments the flare reduction  
6 program. Reed has talked about leakage, if you will,  
7 being in the range of half a percent. I want to be very  
8 clear that when we talk leakage here, we're talking vapor  
9 that subsequently gets consumed in the flare, so it's  
10 not -- you know, it's not just roaming around. It's being  
11 destroyed.

12 But that was a program that we really put in  
13 place in '98, and I think we've seen tremendous -- I know  
14 we've seen tremendous benefits from it in '99. So those  
15 are things that we've been doing all the while we've been  
16 increasing the reliability and uptime at the plant.

17 MS. RICHARDSON: Does that complete questioning  
18 from the committee?

19 DR. FORD: One final question.

20 MS. RICHARDSON: Oh, I invited that, didn't I.  
21 Dr. Ford.

22 DR. FORD: I'm intrigued by your sustainable  
23 development initiative. I just heard you talk about  
24 production increases. As you increase production, it  
25 means we are also increasing the depletion of fossil

1 energy resources.

2           How is it that you can guarantee a future for  
3 generations to come if in fact you aren't investing  
4 heavily in other forms of energy outside of your current  
5 fossil energy systems? It seems to be a contradiction in  
6 terms of long-term sustainability when oil companies are  
7 not investing in solar energy and other forms of renewable  
8 energy. How would you respond to that?

9           MR. EASTER: Well, I mean, that is the  
10 underlying issue, and I used the term journey before, and  
11 I think we're very much on a journey. And what I would  
12 see us doing as a world is continuing to rely on fossil  
13 fuels for quite some time in the future.

14           Now, I believe that that dependence will  
15 decline and that we will offset that decline with other  
16 forms of energy; whether that's solar -- some of the  
17 things that we're doing as a company involve, say,  
18 converting natural gas into diesel as a use of a cleaner  
19 hydrocarbon that is plentiful in some isolated locations.

20           By converting it into, say, diesel you can then  
21 can transport it more readily to markets where it's  
22 needed. We're continuing to look at other technologies.  
23 I mean, I clearly believe that we'll move to hydrogen and  
24 fuel cells and solar energy and those kinds of things, and  
25 it's a function of each company's appetite or ability to

1 invest in R&D that will define how successful they are in  
2 the far future. But that's where we're going.

3 MS. RICHARDSON: Thank you so very much.

4 And we're going to move now into what is  
5 perhaps the most important segment of our day, and that is  
6 for the public comments and concerns. We will ask you --  
7 we will ask all of those who are signatories to the list  
8 to please come and take these front seats, so that we can  
9 move very quickly from one presenter to the next.

10 We will ask that your remarks be three minutes  
11 or less. If you would first identify yourself, and if you  
12 represent anyone -- so if you did not sign up, please --

13 MS. ROBINSON: We will call you by name.

14 MS. RICHARDSON: Yes. Just sit close that it  
15 will expedite things for us, please. And we do have those  
16 of you who did sign up, and if you did not, you cannot be  
17 on the agenda this evening.

18 Mr. Lanny Roy. And for the record, Mr. Roy,  
19 please make your presentations. And welcome, sir.

20 MR. ROY: Thank you. Thank you, Madame  
21 Chairman. I'd like to thank you, Madame Chairman --

22 MS. RICHARDSON: Yes, sir.

23 MR. ROY: -- and all committee members. I know  
24 it's been a long day, because I've been with y'all since  
25 the beginning.

1 MS. RICHARDSON: Yes, you have.

2 MR. ROY: I'm going to try to be brief as I  
3 can. I'd like to also say I want to thank God for letting  
4 us all be here today, and I've heard some testimony, and I  
5 can say this. I have testified to many committee boards  
6 on a national, state and local level --

7 MS. RICHARDSON: One minute, Mr. Roy.

8 Ladies and gentlemen, please be in order. This  
9 is too important to all of us and especially to our fact-  
10 finding.

11 And as long as I've interrupted, Mr. Roy, we  
12 are not going to ask questions as a committee. If there  
13 is something not clear, you will hear back from us for  
14 clarification.

15 MR. ROY: Okay.

16 MS. RICHARDSON: Yes, sir.

17 MR. ROY: Thank you, ma'am.

18 I would also like to say I'd like to commend  
19 this committee board, because like I said earlier, I have  
20 testified to many committee boards on a national, state  
21 and local level. This is one of the first committee  
22 boards that I've seen have the interest of the people.

23 Seem like we really gone into the right  
24 direction with a committee board like y'all. I want to  
25 applaud y'all for that. And I was here all day. I've

1 certainly heard some of the testimony from other people,  
2 which ACORN is writing a [indiscernible] that they were  
3 true testimonial, and we can appreciate them.

4 I'm going to go only half of my presentation,  
5 because I'm going to leave the rest of the presentation  
6 with you for the record, for y'all records.

7 Railroads were inoffensive neighbors when they  
8 first put down their tracks in the communities of this  
9 state. However, since the 1950s, railroads have become  
10 [indiscernible] on wheels, storehouses of hazardous  
11 materials.

12 The railroad companies have also grown in size  
13 and expanded from the numbers of tracks they have at their  
14 switching yards, which are located in African-American  
15 communities in New Orleans as well as Lake Charles,  
16 Louisiana.

17 In both New Orleans and Lake Charles, low- and  
18 moderate-income communities of African-American have waged  
19 campaigns to remove the switching yards from their  
20 communities because of the ongoing proximity to toxins.  
21 The explosions and leaks of cars carrying hazardous  
22 materials, as well as the poor record of maintenance and  
23 storage by the railroads -- during 1984 World's Fair,  
24 there was a hue and a cry to move the dangerous railroads'  
25 activity away from the French Quarters and all of



1       historics.

2               The Norfolk Southern Railroad then moved it  
3       from the smaller neighborhoods of the Caucasian French  
4       Quarters to their anonymous and distantly residential  
5       Afro-American neighborhood, dividing the 8th Ward and 9th  
6       Ward of New Orleans.

7               At this same Norfolk Southern Railroad  
8       switching yard, a toxin-laden tank car exploded and burned  
9       for days. The New Orleans Fire Department wasn't trained  
10      nor had the proper equipment to handle the fire. And  
11      after three days, firefighters from Houston were brought  
12      in to contain the fire.

13              The public was told the chemical was safe and  
14      there was no danger from the burning butadiene. It was  
15      also discovered later that the car had been leaking for  
16      days. There have been other fires since then in the same  
17      switching yards, and the railroad company has defined it's  
18      24-hour parking limitation as though it does not exist.

19              The general public has no information  
20      concerning the chemicals which come through daily and  
21      nightly on the trains nor about what is leaking or burning  
22      at any given time. ACORN members in the City of New  
23      Orleans remain very convinced about the widening of the  
24      industrial canal that separates the 9th Ward  
25      neighborhoods.

1           You have -- we have been fighting this  
2 expansion project for a period of years. However, the  
3 only --

4           MS. RICHARDSON: Mr. Roy.

5           MR. ROY: -- is determined --

6           MS. RICHARDSON: I'm sorry, sir. We have a  
7 strict three-minute limitation, so if you will give a  
8 closing statement, please leave the entire statement for  
9 our record. Our work is not starting here. The staff is  
10 going to gather, and we're going to review all of this,  
11 and if we have further concerns or need further  
12 information, we shall be in touch with you.

13           MR. ROY: Okay. Well, in closing, like I said  
14 earlier, we appreciate your committee. We certainly have  
15 testified in many communities -- I mean, different -- many  
16 communities' board, and all we asking that we hoping that  
17 we can bring about positive changes for the poor people  
18 that has suffered and been abused by big industry, big fat  
19 cats that have been given the ten-year tax exemption, big  
20 tax giveaways, and all the other good thing that been  
21 happening to them as our people's suffering their abuse.

22           We certainly wish that this committee can bring  
23 back to the people that can bring about the changes,  
24 because we will be out there lobbying. We lobbied on the  
25 national, state and local level, finding all these

1 people -- try to bring about these changes.

2 We certainly appreciate y'all, and we need all  
3 of the help that we can get. Working together, we can  
4 bring about some of these changes. But if we all come  
5 together now -- this is late for us, but we have to think  
6 about our children, their children's children's children.

7 We can make a difference if we stick together  
8 and work together, but we have to do it now, because right  
9 now, time is winding down. And I think it's time. ACORN  
10 says that it's time for industry to pay their fair share.

11 MS. RICHARDSON: Thank you, sir.

12 MS. ROBINSON: I would like to emphasize as  
13 staff that we want to get everyone here that signed up  
14 this evening to present, so please share and summarize  
15 your statement very succinctly and as quickly as possible  
16 so we can get that information and we can close for this  
17 evening.

18 If you have a written statement, submit it to  
19 the record. But three minutes is the allocation. Thank  
20 you.

21 MS. RICHARDSON: Thank you, Mr. Roy.

22 Deborah Ramirez.

23 MS. RAMIREZ: I had a tape to show, but I don't  
24 think I could do it in three minutes, but if I have to  
25 sacrifice, I'd rather for you all to see the tape, because

1 he is now deceased, and the community did a condolence  
2 card.

3 MS. RICHARDSON: Ma'am, what is the length of  
4 the tape?

5 MS. RAMIREZ: I had to shorten it and get  
6 straight to the point on it so that we -- since I knew we  
7 were going to be limited for time --

8 MS. RICHARDSON: Yes. Please do.

9 MS. RAMIREZ: I've been through this many, many  
10 times, and one of these days everybody's going to stop and  
11 listen when everything's going haywire.

12 DR. FORD: Since technology works slowly, would  
13 you care if someone else goes now and you get that  
14 together?

15 MS. RAMIREZ: I'll just do my little speech  
16 then --

17 VOICE: Here it is.

18 (Whereupon, a videotape was played.)

19 MS. RAMIREZ: Allen was 54 years old. Sunrise  
20 on him was April 9, 1946, and sunset was September 1,  
21 2000. And until you all really get it together and  
22 understand people have something to say -- you have to  
23 give us the opportunity to speak more than three minutes,  
24 because I did have a lot to say.

25 We stayed here and we hung out all day long

1 trying to get that say, but maybe next time, maybe when it  
2 hit y'all's doorstep, then you give us the opportunity and  
3 the time that we need to explain.

4 Discrimination went on everywhere in that  
5 community. It went on with the people in the community as  
6 far as the community as a whole, because they never told  
7 us when they first spilled this EDC in the ground and had  
8 all those air emissions, they never told us anything.

9 They never came knocking on our doors, and it  
10 just surprise me and amaze me and industry ought to be  
11 ashamed of they self. Come in here and telling all those  
12 bold stories about what you do for community, and you  
13 don't do nothing. It's too late.

14 Understand it's too late. And every time you  
15 go to sleep, remember this picture. Remember Allen Ryan's  
16 picture, because I promised him to tell his story. And I  
17 will tell it. If not today, tomorrow. If not tomorrow,  
18 two years. If not two years, ten. But don't forget.

19 Employees have died, too, and the money that  
20 they pay you is not worth your life. Wake up, people.

21 MS. RICHARDSON: Thank you so much.

22 MS. RAMIREZ: \$7 million dollars for two men,  
23 \$7 million because they was digging in it, smelled it on  
24 our side; [indiscernible], and one ran up to the other and  
25 helped -- and this is what they got; now just 7 million,

1 but Conoco wouldn't tell them how much. And all these  
2 other RW, Quitman, IMCM, and PMI -- they wouldn't tell.  
3 But you going to see it at your doorstep.

4 MS. RICHARDSON: Thank you, ma'am.

5 MS. RAMIREZ: And I do want to present this.

6 MS. RICHARDSON: By all means. And any other  
7 information you may have, give it to the court reporter.

8 A committee member is asking about the  
9 availability of a copy of your tape.

10 MS. RAMIREZ: Okay.

11 MS. RICHARDSON: Could it be made available?

12 Then we can reproduce.

13 MS. RAMIREZ: Mr. Warren also did the privilege  
14 of doing that for me.

15 VOICE: I can make a copy available.

16 MS. RICHARDSON: Thank you, and we will then  
17 spread it further.

18 And again, we certainly apologize and want any  
19 information, even that you may not have with you. Through  
20 October 13 we can receive before staff starts to  
21 assimilate, and then we start to try to massage the  
22 materials. Please believe the chair when we say you will  
23 not be left out simply because the testimony is short.

24 Ms. Teresa Richard. I didn't say it right --  
25 Teresa?

1 -MS. RICHARD: Yes.

2 MS. RICHARDSON: Okay, I thought -- some people  
3 choose to be Richard now, you know.

4 MS. RICHARD: Hello. I speak better French  
5 than English, so if I don't pronounce my words too  
6 clearly, it's because I am bilingual.

7 My name is Teresa Richard, and I move here to  
8 Lake Charles. I am going to give you a scenario what is  
9 happening to our community. I went to the community last  
10 night to try to get the people to come and participate,  
11 and all of them said, We're beating a dead horse. Nobody  
12 is listening.

13 So one lady look at that white book that y'all  
14 give out and she -- let me ask this, if I may. Why is  
15 there no one from Lake Charles on the panel here? And why  
16 did it take seven years to come to this state, and we  
17 still feel left out of the equation, and I'm not being  
18 rude to no one, because we do have major problems here.

19 But I don't think it's fair for an organization  
20 to target a certain plant or industry or anybody and call  
21 them name, because it makes a reflection on all of us, and  
22 that I disapprove of. I think we should be able to sit  
23 and compromise with each other of what is happening in our  
24 community.

25 But everyone that spoke here today, they forgot

1 one thing: North Lake Charles. It's as though we are  
2 blind part of the parish. People get grant money. It  
3 goes to certain part of the parish. None never come to  
4 North Lake Charles.

5 And I feel EPA, when they collect fines, some  
6 of that money should come to North Lake Charles. We are  
7 very poor. We want health study on those children and our  
8 elderly. They are the most vulnerable in our community.  
9 And most of all, I disagree with EPA.

10 I have never seen that man come to Lake  
11 Charles. Very much that man from the railroad. But there  
12 still is a major problem with that railroad. They will  
13 not answer about the spill. They're at fault, too, and I  
14 know they're in litigation.

15 But we as a community -- we'd like to be heard.  
16 And that's all we ask is to give us this opportunity, and  
17 I think our people has learned -- and I'm not saying this  
18 to be biased; I hate the government because of what HUD  
19 has done into our community.

20 They have turned it back on us. We have to go  
21 all the way to Washington, D.C. to get some help. That  
22 New Orleans office, they just pass the buck on. They  
23 sweep it on the road. It shouldn't take 15 or 16 years to  
24 get a answer from them.

25 Those are our federal tax dollar. We poor, but



1 when I buy a loaf of bread I pay tax just like the next  
2 fellow. And we hope that y'all would come more often and  
3 to our community, because you in the good part of North  
4 Lake Charles -- this side.

5 Come toward the other side. Then you going to  
6 ask, Well, where have these people been? What happened to  
7 this community? We look like if -- when they bombed part  
8 of England and these other places. Abandoned houses, all  
9 our young mens in the prison or they dead. We have no  
10 help here in North Lake Charles, and it is nothing to be  
11 ashamed about.

12 Nobody cares. And we are very poor, but one  
13 thing about us -- we poor with money but we are very rich  
14 in spirit and one thing, we have wisdom.

15 Thank you.

16 MS. ROBINSON: In response to Ms. Richard's  
17 question, why is there no one represented from Lake  
18 Charles is that we take in a lot of factors in our  
19 decisions when committee members are appointed. They are  
20 appointed by the Commissioners in Washington, D.C.

21 And we look at a lot of factors. Location is a  
22 factor, but we also look at political affiliation. We  
23 look at gender, a person's involvement in the community  
24 and their knowledge of civil rights. So there's a lot of  
25 factors involved in that.

1                   Hopefully, in the next two years we can bring  
2 someone from Lake Charles to represent on this committee.

3                   MS. RICHARD: Now, we going to hold you to that  
4 now.

5                   MS. RICHARDSON: Thank you so much.

6                   James A. Bellamy.

7                   MR. BELLAMY: Thank you, Ms. Chairman and  
8 panel.

9                   I had a whole lot to say, but I'm going to cut  
10 it short.

11                  MS. RICHARDSON: Hold it close, sir.

12                  MR. BELLAMY: I'm going to cut it short,  
13 because I would like to made my statement while those  
14 lawyers was here. You see, y'all first heard lies. Now  
15 y'all are in the position to hear the facts about the  
16 situation, you see.

17                  And I mostly said and I'm going to be ashamed,  
18 maybe I've not said I feel like the way this program is  
19 being sponsored here today, we are trying to be putting  
20 the cart ahead of the horse. Look like for y'all to get  
21 the full background and the understanding of our position,  
22 y'all should have had us speak first and then hear the  
23 liars.

24                  You see, suddenly but truthfully, I don't see  
25 how in the world a bunch of what you call certified --

1 that's the best I'm going to call them, because they are  
2 not qualified -- to come in here and tell y'all about our  
3 position.

4 We are qualified to sit before y'all and give  
5 y'all our destination of our concern, because y'all seen  
6 that picture up there. That's one of the most considering  
7 and accepting story that this problem that we confronted  
8 today with, that's what it is all about.

9 We are putting -- they are putting lives, human  
10 lives, against industry, you see. And we can't afford  
11 going along with that. We just cannot do it, you see.  
12 And I wanted to be here to hear that. I ain't seen none  
13 of this Union Pacific guy sit before you all and tell  
14 y'all one of the biggest lies [indiscernible] be back down  
15 to 1,800. Well, I imagine he did, was talking about -- he  
16 knew what he was talking about, but he was talking about  
17 Union Pacific. He was not talking --

18 MS. ROBINSON: Mr. Bellamy, we cannot defame  
19 and use personal, identifiable names of persons. Out of  
20 respect and courtesy to the committee and to that person,  
21 please refrain from using names and making defame  
22 statements about that person.

23 MR. BELLAMY: I understand that, but I'm going  
24 to say this and I'm going to quit, because I feel like we  
25 are being dis-privileged. We are being discriminating

1 against. We can't talk about it without all this biting  
2 us. Who in the world can we talk about?

3 I'm sorry. I'm going to conclude.

4 MS. RICHARDSON: Thank you, sir.

5 MS. ROBINSON: I wish to make a brief  
6 statement. I don't want to take up your time, because we  
7 do want to listen to you. We have been working on this  
8 project for over eight months. We have been going out  
9 into the community interviewing community persons,  
10 representatives of all stakeholders in this situation.

11 And I would beg to differ with you that we have  
12 not given your perspective, based on other people that are  
13 knowledgeable about it. We could be here for two years  
14 talking individually about our personal concerns.

15 We're trying to get a summation of the  
16 situation, and this committee has done a lot of hard work  
17 to get this far. We try -- we [indiscernible] various  
18 environmental groups that represent your interests to  
19 speak this morning and provide a perspective on your  
20 situation, and we also have provided an opportunity for an  
21 open session.

22 So please respect what we've -- what we are  
23 trying to do; what we have done in the past.

24 MS. RICHARDSON: Patricia G-O-T-T-E, Gotte.  
25 Please, ma'am.

1 MS. GOTTE: Madame Chairman and other  
2 representatives, this is representing, not meaning any  
3 specifics, but I'm in the middle of all the industries,  
4 really. Concerning one of them that's really right close  
5 to us that nobody has ever brought attention to until I  
6 start hollering and other people around in our community,  
7 even on the west side and south side and even some of them  
8 around in Moss Bluff, and I'm in West Lake, and I live  
9 right there by this plant.

10 They provided -- when we moved there, the house  
11 was already built and stuff, which is over 20 years. It  
12 ran on natural gas, and the only chemicals we ever smelled  
13 was the chemical to clean the natural gas.

14 Eight years ago in 1992, they built the other  
15 parts of the plant, which now runs on coal, coke,  
16 limestone ash, stuff, so now we get all this flying  
17 particulars all around. They've cleaned out, down  
18 Johnstine [phonetic], their trees, this plant.

19 So now we get smells from the other plants,  
20 which are like about a mile and a half from us, and they  
21 are the ones that y'all are talking about -- these three  
22 plants. And yes, they do have other people that complains  
23 constantly.

24 We have noise pollution, which nobody seems  
25 they can even try to control. They put us down to a

1 police jury, which that's no help. EPA, you know, we've  
2 contacted them several times. I've called them in Baton  
3 Rouge, New Orleans, wherever. I've called DEQ. We've  
4 called them even around here and just kind of got pacified  
5 through them, you know, and taken samples one time.  
6 Telling us it's pollen. Well, I know pollen's not black.

7           Needless to say, we get this ash from this  
8 plant all the time. We get it from their ash piles. We  
9 get it from their stacks. One of them is so close to us I  
10 can count maybe probably 20 trees through us, especially  
11 when I go to my neighbor's yard right in the front. It's  
12 that close.

13           Which when they started this plant, supposed to  
14 all further west from us, but it's not. It's right there  
15 on top of us. Needless to say, they tell us, you know,  
16 Oh, it's not -- doesn't test conclusive, but we can't say  
17 it's not coming from us.

18           But yet, we watching it fall right out the air,  
19 right onto us. I call it microscopic snow, just covers  
20 us. Sometimes it's in large blotches. We been fighting  
21 it for eight years when they opened the plant, and I can  
22 count -- know the years, because my grandson's birthday.

23           We've gotten large blotches. It's messing  
24 everything up around our house -- rusting, people can't  
25 breathe, can't live in their houses right next to it

1 because they have some laws further and further. They  
2 can't live there.

3 The noise is so tremendous. The ash is so  
4 tremendous right there in the areas, and I'm right in the  
5 middle of all of it, so we get it from their stacks. We  
6 get it from their ash piles -- either way. El Nino, when  
7 we had it, we just was covered with it for two years  
8 straight through El Nino, nonstop and stuff.

9 And we put new hurricane fence up after freeze.  
10 Not six months later they've got rust spots all over it.  
11 We put these awnings you get to cover your automobiles and  
12 stuff, less than six months you got rust spots all over  
13 it. So what else is it doing to our healths?

14 It's contaminating my ground, for I notice my  
15 grandson plays in the dirt, and I've given him baths, and  
16 Moore's not brown from the dirt. It's black. They play  
17 on their slide, their gym set and stuff. Their feet comes  
18 out totally black, I mean, or their clothes, you know,  
19 whatever.

20 So it's a constant and ongoing, and this is  
21 just up -- for one plant that has never been brought up  
22 that needs to be looked into. They were supposed to be  
23 doing stuff, but we're still not getting any results for  
24 the nonstopping of the ash or anything of the noise.

25 We've been told, like from DEQ, Go to police

1 jury. Police jury says, We can't help you with that. DEQ  
2 can't help you with that. It's a constant roar. Nonstop  
3 roaring 24 hours a day, sometimes louder, and it used  
4 to --

5 VOICE: What plant is that exactly? You  
6 never --

7 MS. GOTTE: Well, it's.--

8 VOICE: You can name the --

9 MS. RICHARDSON: No. We were not talking about  
10 companies. We didn't want to impugn individuals.

11 MS. BOURG: Company's okay.

12 MS. GOTTE: This is a energy plant, which is  
13 electricity, which we know we have to have electricity.

14 MS. BOURG: What's the name of it?

15 MS. GOTTE: Dynergy.

16 MS. BOURG: Dynergy? Thank you.

17 MS. GOTTE: Yes, ma'am. We know -- and if I  
18 could say this, I been lied to, not mentioning no names or  
19 anything, several times, even from them, knowing that they  
20 were supposed to build another plant and had permits, they  
21 told me no.

22 Well, I have a book. We're affiliated with  
23 this company back home, and this book states that there  
24 was another plant built near Lake Charles. Where's near  
25 Lake Charles? Of course -- West Lake. It's called --



1 MS. RICHARDSON: Ms. Gotte, pardon me. On  
2 time, would you --

3 MS. GOTTE: Dynergy.

4 MS. RICHARDSON: -- sum up, please, ma'am.

5 MS. GOTTE: Yes, ma'am. And so we know this  
6 was built and stuff like that. So my question is is that  
7 I would like y'all to start looking into this plant and  
8 seeing what kind of restrictions can be put to them to  
9 pull out this pollutions that are not supposed to be in  
10 the air. Their ash, and you need to try to regulate their  
11 noise.

12 MS. BOURG: What was the name of that plant?

13 MS. ROBINSON: Dynergy?

14 MS. GOTTE: Dynergy.

15 MS. BOURG: Can you spell that?

16 MS. GOTTE: D-Y-N-E-R-G-Y.

17 MS. BOURG: Thank you.

18 MS. GOTTE: No, ma'am, but I have it if y'all  
19 want to copy it or something?

20 MS. RICHARDSON: Yes, please. Give it to Ms.  
21 Robinson --

22 MS. ROBINSON: To the Court Reporter.

23 MS. RICHARDSON: -- please, ma'am.

24 MS. ROBINSON: Because of time constraints at  
25 this time, we have to be out of this room by ten o'clock.

1 We will receive Mr. Lee Sherman, Ms. Pat Hartman, and  
2 following Ms. Hartman, Mr. Harold Areno.

3 For those persons who signed up, Margie  
4 Garland, Valerie Montgomery, and Charles Atherton, you  
5 will have to be a part of the open session, if you wish  
6 to, on tomorrow evening.

7 COL. SHERMAN: I am Lieutenant Colonel Lee A.  
8 Sherman. I'm retired military, retired from the Army 33  
9 years and been fighting this environmental thing here now  
10 for close to 20 -- over 20 years.

11 I just thank the Good Lord that I was  
12 privileged to be born into a society where we can some  
13 distinguished people as this panel here and give the  
14 opportunity to speak, seeing as a lot of people I've seen  
15 throughout the world did not have that right.

16 I want to go back to early this morning. I  
17 promised myself I'd keep my mouth shut. I wouldn't say  
18 nothing when I come up here today, but holy mackerel, when  
19 you hear the things I've heard, you've just got to open  
20 your mouth.

21 Let me say one thing about the rail history.  
22 We heard a very eloquent story about the rail history, but  
23 what they forgot to tell you was -- was North Lake  
24 Charles, Fisherville, was a two-hour ride to downtown Lake  
25 Charles.

1           When they built that station out here where  
2           they hook the cars together, it was outside of Lake  
3           Charles by two miles. Now, a real easy way to solve that  
4           problem. Darn it, move it out that way five more and shut  
5           this sucker down -- no, this thing down, because you have  
6           a contaminated area that degradating the clay, and it's  
7           going to continue to have their annual train wreck.

8           Now, let me say a little something about  
9           chemicals in the body, and I have been fighting with DEQ  
10          on this, which I get no response. The chemicals in the  
11          body we're talking about, EDC, tri-ethane, per-chlor, tri-  
12          chlor, a BCL -- you name it, it's there.

13          The chemicals in the body, including dioxin,  
14          degradates the immune system and, lo and behold, if all of  
15          a sudden you get something like mononucleosis and then you  
16          get hypoglycemia, then you get chronic fatigue syndrome,  
17          then you get a heart bypass operation, then you have two;  
18          which, by the way, I've had two.

19          DR. FORD: One minute. One minute.

20          COL. SHERMAN: One whole minute? You're a nice  
21          guy.

22          In the meantime, let me say this about the  
23          chemicals. Here just recently on Channel 7, they had a  
24          extensive report about family violence, and the violence  
25          in the United States was 5 percent, and the violence in

1 Louisiana was 12 percent.

2 The violence in Calcasieu Parish is 25 percent.  
3 The family violence, and it comes from the chemicals  
4 that's in the air. Now, before he shushes me up, let me  
5 tell you, the man's come in here from PPG and spoke about  
6 his big vessel.

7 Granted, he opened a door. He opened a big  
8 one, because last Christmas on the 23rd or 22nd, somewhere  
9 along in there, of December, an airplane lost power  
10 directly over that unit and glided 1,200 yards out there  
11 at exactly --

12 DR. FORD: Ten seconds to sum up.

13 COL. SHERMAN: -- 15 or 1,200 -- you're a nice  
14 guy -- 1,200 foot. If that airplane had crashed on that  
15 unit, we would have had people dead all the way from the  
16 Gulf clean up to Singer. In the meantime --

17 DR. FORD: Your time. I'm sorry,

18 COL. SHERMAN: -- he just hollered time. And I  
19 could talk for hours because I work with -- and hey, some  
20 of these people on here in this panel have said some  
21 pretty strong stuff, and especially Dr. Beverly.

22 God bless you, one and all.

23 MS. RICHARDSON: Ms. Pat Hartman.

24 MS. ROBINSON: State your name again, please.

25 MS. HARTMAN: Allerine Pat Hartman.

1 I just want to share just a few things. They  
2 put it out in the paper. They lie. They say just a few  
3 pounds of this stuff was released. From 1993 to 1994,  
4 they released 19 million to 48 millions of pounds --

5 MS. ROBINSON: Who is they?

6 MS. RICHARDSON: Use the microphone, Ms.

7 Hartman, please.

8 MS. HARTMAN: Okay. They released 19 million  
9 to 48 million pounds of EDC leaked.

10 MS. ROBINSON: Who is they?

11 MS. HARTMAN: Condea Vista and Conoco. This  
12 was in the paper on Sunday. I didn't know it was that  
13 much. All we asking for is help. They came down and  
14 tested our people but never came back and gave our people  
15 any help. We got one dead. Here's this man's son here.

16 I called the people and asked him, Go to the  
17 hospital. Send somebody over there. Help this fellow  
18 because he's dying. What are they going to do for us?  
19 That's all I'm asking. When are they coming into  
20 Mossville and stop lying and come and do something for us?

21 Relocate us. Give us compensation and give us  
22 medical. That's all we asking for, because they know they  
23 lying.

24 Thank y'all very much.

25 MS. RICHARDSON: Harold Areno. Is that

1 correct, sir?

2 MR. ARENO: Yes, ma'am. Yes, ma'am.

3 MS. RICHARDSON: Thank you. Please come up.

4 MR. ARENO: I kind of agree with her. I kind  
5 of wish it would happen in my neighborhood thataway.

6 But my name is Harold Areno. I am 65 years --

7 MS. RICHARDSON: Use the mic.

8 MR. ARENO: My name is Harold Areno, and I am  
9 65 years old, and I've lived on Bayou d'Inde all my life.  
10 I've seen it when it was good and I've seen it when it was  
11 destroyed.

12 I seen industry come in and kill everything se  
13 had; everything from the trees to the fish to, you name  
14 it, and destroyed our land, destroyed our lives, caused us  
15 to have cancer. And, well, what else can I name that they  
16 didn't do.

17 But anyway, Conoco also has got a coke plant in  
18 the Bayou d'Inde area. They load them ships down there,  
19 and clouds of dust covers your houses and all along on  
20 Bayou d'Inde. I'm a little bit further than right in  
21 there, but all of the people -- I try to get them to come  
22 to a meeting, but you can't get them out of their houses.

23 But anyway, they cover them up with that black  
24 stuff, and when they put CertainTeed in, I helped build  
25 the plant, and they told me when we built it that it was a

1 cancer-causer, and I didn't know if it was true or not.

2 I said, If there's anything to it I would be  
3 one of the first to know it, because I live within a mile  
4 of the plant. Well, within 20 years after that, six out  
5 of eight of us on that 40 has died -- I mean, has had  
6 cancer. Some has already passed on, but I'm one that had  
7 it that, thank God, I'm still here.

8 But I guess that's what got me up and started  
9 talking. But the wrongdoing has been done to us in Bayou  
10 d'Inde, but seemingly nobody ever hears it when we holler.  
11 So that's the reason I came up here and kindly presented  
12 it to y'all, and I got my testimony kind of here.

13 I had a lot to mention about the health, the  
14 business. My dad had a boat rental, but they put him out  
15 of business. And we used to farm, and they couldn't even  
16 raise cows or anything because it killed the cows from  
17 poison.

18 But anyway, let me finish and -- because y'all  
19 want to get out of here, and I got a little paper here  
20 I'll leave with y'all, and --

21 MS. RICHARDSON: Thank you, sir. I think it's  
22 more we have to get out of here.

23 To those who had signed up and were not  
24 recognized, during the open session tomorrow you will be  
25 the first ones to testify. We're not sure where it's

1 going to fall, because things have clearly not fallen  
2 today as we had expected.

3 So it's hard to project a time. I'm so sorry.  
4 My apologies.

5 We start at 8:45, and if there is anyone who  
6 cannot return, please give a statement to the Court  
7 Reporter.

8 Does the real chair need to say anything at  
9 this point?

10 MS. MADDEN: No. We'll see you in the morning.

11 MS. RICHARDSON: We'll see you, and we hope as  
12 many as possible at 8:45 in the morning, and thank you  
13 kindly. Thank you for all your indulgence.

14 (Whereupon, at 10:00 p.m., the hearing was  
15 concluded.)



C E R T I F I C A T E

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IN RE: Louisiana Advisory Committee to  
the U.S. Commission on Civil Rights  
LOCATION: Lake Charles, Louisiana  
DATE: September 12, 2000

I do hereby certify that the foregoing pages,  
numbers 1 through 409, inclusive, are the true, accurate,  
and complete transcript prepared from the verbal recording  
made by electronic recording.

\_\_\_\_\_  
(Transcriber) 9/27/2000  
(Date)