

OPENING STATEMENT OF DOROTHY FELIX
PRESIDENT
MOSSVILLE ENVIRONMENTAL ACTION NOW

BEFORE THE ENVIRONMENTAL AND PUBLIC WORKS COMMITTEE
U.S. SENATE

July 31, 2013

Thank you, Chairperson Boxer, Ranking Member Vitter, who represents my state of Louisiana, and Members of the Environment and Public Works Committee for holding this important hearing. My name is Dorothy Felix and I am the President of Mossville Environmental Action Now. My organization works to achieve environmental justice in the historic African American community of Mossville, Louisiana.

I appreciate the opportunity to share with you the urgent need for legislation that protects the health of people who are living in polluted communities. I speak to you today out of concern for the future of my community of Mossville and communities across this country, where Indigenous people and people of color are disproportionately harmed by toxic pollution.

Mossville has been home to my family and neighbors for several generations. I treasure my childhood memories of growing up in this small, rural community at a time when the air was healthy to breathe, the waterways were clean and full of fish, and the soil produced vegetable gardens and fruit trees. I regret that my grandchildren and great-grand children will never see and touch the natural beauty that was once Mossville.

Today, Mossville is a different place as a result of weak environmental laws that permit no less than 14 industrial facilities to release toxic pollution around our homes, churches, and playgrounds. Inside the historic boundaries of Mossville are three chemical manufacturers (Georgia Gulf, PPG Industries, and Sasol), one oil refinery (Phillips 66), and one oil production facility (Excel Paralubes). Within one-fourth of a mile from

Mossville are seven chemical manufacturers (Arch Chemical, Bio-Lab, Certainteed, Lyondell Chemical Worldwide, PHH Monomers, Tessenderlo Chemical, and Tetra Chemical), one coal-fired power plant (Entergy Roy S. Nelson Plant), and one industrial gas supplier (Air Liquide).

You cannot enter or exit Mossville without crossing train tracks used to transport toxic chemicals, and often have to wait for the freight trains to pass. Toxic chemicals are also moved through pipes that are cased in large racks over our main street and located underneath the ground in our community. The industrial companies have built around, over, and under Mossville as if our community, settled more than 200 years ago, does not exist.

We lost the eastern section of Mossville to toxic chemical contamination from underground pipeline leaks of ethylene dichloride. In light of mounting evidence, industrial companies in Mossville were forced to admit their fault for causing the leak that contaminated nearby drinking water wells. In 1995, Mossville residents brought a lawsuit against the companies and agreed to a settlement that involved the companies agreeing to purchase all of the properties in the eastern section. The companies managed to insert into all settlement agreements signed by Mossville residents a provision that prevents residents from bringing any claim in the future for health problems related to the contamination. There was no health monitoring or health services provided to residents, who for years unknowingly drank and used water from wells where the contamination was present.

Harsh fumes and odors are always present in Mossville, forcing you to stay indoors. In response to my organization's call for help, the US Environmental Protection Agency ("EPA") brought to Mossville a state-of-the-art mobile air monitor that detected toxic chemicals released from nearby industrial facilities at concentrations 100 times above the State of Louisiana's health-based air quality standards.¹ Federal and state environmental agencies warn us to not eat the fish or swim in local waters because of toxic chemical contamination.² A federal health agency also detected toxic chemicals in the fruits and vegetables grown in our community.³

My family and neighbors, children and the elderly, suffer from severe health problems that medical experts and scientists have associated with toxic chemical exposures. My organization petitioned federal agencies to investigate Mossville residents' exposure to dioxins, which are extremely dangerous chemicals. In response, the US Agency for Toxic Substances and Disease Registry ("ATSDR") conducted blood tests that revealed Mossville residents have elevated levels of dioxins in their blood that are on average

¹ US Environmental Protection Agency, Results of Trace Atmospheric Gas Analyzer in Mossville, Calcasieu Parish, Louisiana, 1999.

² National Oceanic & Atmospheric Agency, Contamination Extent Report and Preliminary Injury Evaluation for the Calcasieu Estuary, 1997; Louisiana Department of Environmental Quality & Louisiana Department of Health and Hospitals, Fishing & Swimming Advisories; and US Agency for Toxic Substances and Disease Registry, Health Consultation: Follow-up Dioxin Exposure Investigation, Calcasieu Estuary (a/k/a Mossville), March 2006.

³ US Agency for Toxic Substances and Disease Registry, Health Consultation: Follow-up Dioxin Exposure Investigation, Calcasieu Estuary (a/k/a Mossville), March 2006

three times higher than the national comparison group.⁴ Dioxins cause cancer, impair the reproductive system, and disrupt the human hormone system, creating long-term health problems that can begin in the womb and last for a lifetime. These and other severe health effects have been documented in several health studies of Mossville residents.⁵ In addition, the testing showed that the group of dioxins detected in the bodies of Mossville residents was unique and different from the national comparison group, which led ATSDR's health consultants to conclude that local sources in the Mossville area may be responsible.⁶

Although finding the sources of the dioxin exposures was part of the ATSDR's investigation in Mossville, it was never undertaken by the agency. For this reason, my organization, in collaboration with Advocates for Environmental Human Rights, a public interest law firm, and Wilma Subra, an environmental scientist, did the work that ATSDR

⁴ ATSDR, Health Consultation: Exposure Investigation Report, Calcasieu Estuary (a/k/a Mossville), November 1999; and ATSDR, Health Consultation: Follow-Up Exposure Investigation, Calcasieu Estuary (a/k/a Mossville), March 2006.

⁵ Mossville Environmental Action Now, *et al*, Industrial Sources of Dioxin Poisoning in Mossville, Louisiana: A Report Based on the Government's Own Data, July 2007, available at: <http://www.ehumanrights.org/docs/REVISED%20MOSSVILLE%20REPORT%20%28WEB,%20FULL%29.pdf>.

Wilma Subra, Health Report on Mossville, Calcasieu Parish, Louisiana, 2009, available at: <http://www.ehumanrights.org/docs/Mossville-Chemicals-and-Health-Report.pdf>.

Peter Orris and Katherine Kirkland, Cook County Hospital, Division of Occupational and Environmental Medicine, Report on Consulting Activities Related to Mossville, LA, November 4, 1999.

Pat Costner, Greenpeace, Dioxin & PCB Contamination in Mossville, Louisiana: A Review of the Exposure Investigation by ATSDR, February 23, 2000.

Dr. Marvin Legator, University of Texas at Galveston Medical Branch, Mossville Health Symptom Survey, 1998.

⁶ Peter Orris and Katherine Kirkland, Cook County Hospital, Division of Occupational and Environmental Medicine, Report on Consulting Activities Related to Mossville, LA, November 4, 1999.

neglected to do. We collected the raw data from ATSDR's dioxin testing and compared them to the EPA's Toxic Release Inventory reports of dioxin emissions by Mossville-area facilities. What we found and published in the report, *Industrial Sources of Dioxin Poisoning in Mossville, Louisiana: A Report Based on the Government's Own Data*, showed a correlation between the dioxins detected in our blood and the dioxins emitted by six Mossville-area industrial facilities (Entergy Roy S. Nelson coal-fired power plant, Georgia Gulf vinyl manufacturing facility, Lyondell chemical manufacturing facility, Phillips 66 oil refinery, and PPG Industries vinyl manufacturing facility).⁷

However, it is not enough that the EPA and other environmental and health agencies document the toxic chemical exposures taking place in Mossville. They must be required by law to take action that protects communities from these toxic chemical exposures which are disproportionate in relation to the rest of the nation. Current environmental laws do not require the prevention of disproportionate toxic exposures. In fact, these laws make it legal for the 14 industrial facilities to pollute Mossville. They provide no remedy for the severe health problems and environmental damage we suffer.

People living in polluted communities are left on their own to educate themselves about toxic chemical exposures. We learn which chemicals cause cancer, reproductive damage, asthma, and other health problems. But we learn this after the painstaking process of connecting the dots between the health problems suffered by our family and neighbors

⁷ Mossville Environmental Action Now, *et al*, [Industrial Sources of Dioxin Poisoning in Mossville, Louisiana: A Report Based on the Government's Own Data](http://www.ehumanrights.org/docs/REVISED%20MOSSVILLE%20REPORT%20%28WEB,%20FULL%29.pdf), July 2007, available at: <http://www.ehumanrights.org/docs/REVISED%20MOSSVILLE%20REPORT%20%28WEB,%20FULL%29.pdf>.

and the pollution in our neighborhoods. Then we go to the environmental agencies for help. Instead of help agency we are told by agency officials that environmental permits give polluting companies the right to release toxic chemicals that we breathe and come into contact with the chemicals on a daily basis. We then find out that the laws authorizing these permits are not based on safeguards that actually protect human health. We are left without laws to prevent or remedy the toxic exposures that damage our health and force many families to flee their communities.

Less than two weeks ago, the Sasol Corporation, which operates a chemical facility in Mossville, announced that it will offer to buy the properties of Mossville residents.⁸ Why? The company is planning to build what would be the first facility in the United States that converts natural gas from fracking into diesel fuel. Where does the company want to locate this facility? In the heart of what remains of Mossville. Relocation away from Mossville is not a solution to our problem. It is an option of last resort.

I cannot emphasize enough that the best solution for communities harmed by toxic pollution is legislation that protects our right to prevent and remedy this harm. Unfortunately, the Chemical Safety Improvement Act, Senate Bill 1009, denies this right by excluding key provisions found in the Safe Chemicals Act of 2013. Section 34 of the Safe Chemicals Act essentially requires the EPA to develop and implement an action plan that reduces disproportionate exposures to one or more chemicals in a community. My organization, in collaboration with a diverse coalition that included environmental

⁸ SASOL, [News Release: SASOL Announces Voluntary Property Purchase Program for Residents in Designated Areas Affected by the Company's Growth](http://www.sasollouisianaprojects.com/news.php?type=P), July 18, 2013, available at: <http://www.sasollouisianaprojects.com/news.php?type=P>.

justice groups, medical professionals, children advocacy organizations, health advocates, and some national environmental organizations, worked hard to support the Safe Chemicals Act, which was introduced earlier this year by the late Senator Lautenberg. The Safe Chemicals Act stands as the only piece of legislation introduced in this session mandating the reduction of toxic exposures in communities like Mossville, where we suffer from

- greater than average exposures to dioxins that are at elevated levels in our bodies,
- greater than average exposures to toxic chemicals in the air we breathe that are 100 times above health-based standards, and
- greater than average exposures to toxic discharges that poison fish and make local waters which were once clean and used for baptisms unsafe for swimming.

I urge you to consider the community improvements that can be achieved with legislation requiring the EPA to move beyond repeatedly documenting the horrendous toxic exposures suffered disproportionately in communities across this nation, and take action to eliminate these exposures.

I encourage those of you who may not have done so to spend time in the communities in your states, where people have been denied a healthy environment. Talk to the residents and gain their perspectives on the need for stronger legislation. You all have an open invitation to visit Mossville anytime.

I am happy to answer any questions you may have. Thank you.