Testimony of

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before the

Subcommittee on Superfund and Environmental Health of the
Senate Environment and Public Works Committee
regarding

Environmental Justice

Washington, DC
July 25, 2007

Good afternoon. I am Dr. Beverly Wright, Director of the Deep South Center for Environmental Justice at Dillard University. I too would like to thank this Senate Subcommittee for holding the first of what, we hope, will be a series of environmental justice hearings. I am here today representing the National Black Environmental Justice Network (NBEJN) and thousands of Hurricane Katrina survivors who are struggling with the federal Environmental Protection Agency and the Louisiana Department of Environmental Quality to address post-Katrina environmental contamination and risk reduction concerns in New Orleans. I thank you for the opportunity to testify before the Subcommittee on critical issues of concern in the aftermath of the hurricane and flood. My professional and personal experiences of growing up, living and working in the City of New Orleans greatly influence my perspective and testimony.

MISSION STATEMENT

The Deep South Center for Environmental Justice (DSCEJ) was founded in 1992 in collaboration with community environmental groups and universities within the region to address issues of environmental justice. The DSCEJ Community/University Partnership, under the auspices of Dillard University in New Orleans, provides opportunities for communities, scientific researchers, and decision makers to collaborate on programs and projects that promote the rights of all people to be free from environmental harm as it impacts health, jobs, housing, education, and general quality of life.

WHO WE ARE

A major goal of the Center has been the development of minority leadership in the areas of environmental, social, and economic justice along the Mississippi River Corridor. The DSCEJ has become a powerful resource of environmental justice education and training. A major aim of the Center has been the development of curricula that are culturally sensitive and tailored to the educational and training needs of the community. Over the past thirteen years, the Center has made great strides in the accomplishment of these goals. We have observed the incredible metamorphosis of local grassroots community residents into national and international leaders, advocates, and spokespersons for environmental justice.

The DSCEJ has developed and embraces a model for community partnership that is called "communiversity". This model emphasizes a collaborative management or partnership between universities and communities. The partnership promotes bilateral understanding and mutual respect between community residents and academicians. In the past, collaborative problem-solving attempts that included community residents and academicians were one-sided in terms of who controlled the dynamics of the interaction between the two, who was perceived as knowledgeable, and who was benefited. The essence of this approach is an acknowledgment that for effective research and policy-making, valuable community life experiences regarding environmental insult must be integrated with the theoretical knowledge of academic educators and researchers. Either group alone is less able to accomplish the goal of achieving environmental equity, but the coming together of the two in a non-threatening forum can encourage significant strides toward solutions. The DSCEJ has advanced the communiversity model with the formation of the Mississippi River Avatar Community Advisory Board (CAB). The board consists of representatives from grassroots organizations and leaders of affected communities in the corridor. The Center has been involved in valuable environmental research aimed at providing technical assistance. Additionally, the Center has developed environmental justice education curriculum infusion modules that New Orleans Public Schools (NOPS) teachers in grades kindergarten through 6^{th} were trained to incorporate across disciplines into their teaching. We trained over 200 elementary teachers to implement these curriculum modules and disseminated curriculum guides to sixty-two elementary and middle schools in the greater New Orleans area. The DSCEJ provides educational seminars to college-level students and integrates student interns and workers into its programs, research, and community outreach. Toward that end, the Center sponsors Environmental Justice clubs on university campuses and supports their projects.

The DSCEJ has gained a considerable reputation in the field of hazardous waste worker training. Over the past twelve years, in partnership with the Environmental Justice Resource Center at Clark Atlanta University, the DSCEJ has forged a new, culturally sensitive training model designed to meet the specific needs of urban city youth living in environmentally contaminated communities through the implementation of Minority Worker Training Programs and Brownfields Minority Worker Training Programs in New Orleans, Baton Rouge, and Shreveport, LA; Biloxi/Gulfport, MS; West Dallas, TX; Atlanta, East Point, and Savannah, GA, and Ft. Lauderdale and Miami, FL.

Additionally, the DSCEJ has worked with two military communities in Biloxi and Gulfport, Mississippi. This project was designed to strengthen the ability of communities living in close proximity to military bases to participate effectively in environmental restoration decisions. The project resulted in greater knowledge and participation in local Restoration Advisory Boards (RAB) and the election of several community residents to a local RAB.

Since its inception in 1992, the DSCEJ has implemented numerous grants in the areas of research, capacity building, and education and training. Projects have been conducted in the areas of community assistance and education, research and policy, and primary, secondary, and university education. In its long-standing

history of providing service to communities that have sustained negative environmental impact, the DSCEJ has continued to forge ahead, training communities and building capacity.

For the last fifteen years, the Deep South Center for Environmental Justice (DSCEJ) has worked with communities that have sustained negative impacts from environmental contamination along the Mississippi River Chemical Corridor. In the aftermath of Katrina, we find ourselves fighting for the health and safety of our university, our city, and our homes. A major objective of our center initiatives was to remove the veil of secrecy that surrounds the issues of environmental contamination.

In the Post Katrina era, the Center has directed its programmatic components and research efforts toward finding solutions and providing technical assistance for community residents along the Gulf Coast. Community projects specifically directed toward clean up and rebuilding, and worker training programs for displaced residents, represent the Center's first efforts in what is intended to be a long-term investment in the restoration of the devastated communities.

We have assisted in the mobilization and education of the citizenry to fight for the proper clean-up of our land. The center has addressed the research and policy, community outreach, education and training needs of displaced residents of the city of New Orleans, with special attention to issues of race and class. There are critical issues of health and environmental restoration that must be monitored for fairness as it relates to standards of cleanup for re-settlement. Additionally, in the area of jobs and economic development, the center engages in job training and placement related to environmental clean-up. Our focus has been on training displaced citizens of New Orleans and job placement for those citizens who have already been trained through our Minority Worker Training and Brownfields Minority Training programs funded by National Institute of Environmental Health Sciences (NIEHS).

The task of the center continues to be to provide a space for dialogue between community leaders who are concerned about how the "new" New Orleans will be shaped by race and class. Of utmost concern is the potential for permanent displacement and permanent removal of poor and working class African Americans who have called New Orleans home for generations. Also at stake is the loss of a culture that is deeply rooted in the African American community and that has been preserved and practiced by the grassroots. First and foremost are the goals of returning residents who wish to return, and the monitoring of all aspects of government and commerce that may hinder that effort.

To date, we have been extremely involved with our state legislators and city councilpersons. We have organized briefing sessions on both legal and environmental issues of importance to rebuilding the city. The NAACP Legal Defense Fund and NRDC have assisted us in these efforts. We are participating in numerous work groups sponsored by EPA (including FEMA) in an attempt to guide their responses to Katrina. We have also been working on the ground with our grass roots community based and civic organizations that we partnered with before Katrina to respond to the many needs to our community. All of the work that we plan will continue to be in partnership with these and other organizations with which we have developed relationships since Katrina. We successfully implemented a demonstration project to assist community residents in removing toxic top soil, replacing it with new sod, and cleaning up their neighborhoods.

Our Center has trained:

- Over sixty small businessmen and contractors in Hazardous Waste Removal, Mold Remediation, and Health & Safety for devastated communities;

- Displaced New Orleans residents in Baton Rouge, LA and Houston, TX in worker training programs aimed at providing technical skills that will allow them to embellish the workforce involved in the clean-up and rebuilding of New Orleans;

- Over 200 volunteers in Health & Safety training for devastated communities so they could clean up homes targeted in the "Safe Way Back Home" project;

- Over 2,000 community members educating them about toxic exposure risks associated with the reality of post Katrina New Orleans.

Additionally, I have testified before congress and produced scholarly papers, monographs, and reports on the impact of Katrina.

Moreover, the Deep South Center for Environmental Justice has played a critical role in servicing the citizens of New Orleans who have been displaced by Katrina, providing important information and serving as an advocate for the cause of rebuilding the city along race and class lines. The impacts are far-reaching and the center once again has set itself apart from many by introducing ground-breaking ideas and methods to address some of the most devastating effects of this terrible storm.

Further evidence of the center's outstanding accomplishments and commitment has been the recognition of my work for leadership in addressing the challenges of Post Katrina New Orleans. I was honored with the Environmental Health Leader Award by the Robert Wood Johnson Foundation in 2006.

KATRINA IMPACTS

As a resident of New Orleans East (also known as West Lake Forest) and a professor of sociology and director of the Deep South Center for Environmental Justice at Dillard University in New Orleans, I would like to express my sincere gratitude to Senator Clinton and the Subcommittee on Superfund and Environmental Health of the Senate Environment and Public Works Committee for holding this hearing on environmental justice. I am a life-long resident of New Orleans, LA and a Hurricane Katrina survivor.

I, like many others, lost everything that I owned in this storm. My home, church, university, and community were all destroyed. Nearly every relative and close friend that I had living in the city also lost everything. Our family had only one family member whose house was not destroyed. I am speaking to you today with not only great personal knowledge of the impact of federal policy on victims of this storm but also as a professional working with community residents to return home safely to their communities.

More than a million Louisiana residents fled Hurricane Katrina, of which 100,000 - 200,000 could end up permanently displaced. Katrina displaced just under 350,000 school children in the Gulf Coast, 187,000 in Louisiana, and closed the entire Orleans Parish Public School System. More than 110,000 of the 180,000 homes in New Orleans were flooded. Katrina affected over 20,000 black owned businesses and 60,000 in the Gulf Coast, totaling sales of 3.3 billion a year.

Katrina toppled offshore oil platforms and refineries, sending shock waves throughout the economy, with the most noticeable effects felt at the gas pumps. Katrina and Rita temporarily closed oil operations in the Gulf Region that supply twenty-nine percent of US-produced oil and nineteen percent of US sourced natural gas. Katrina caused six major oil spills, releasing 7.4 million gallons of oil. The Hurricane also hit 60 underground storage tanks, five superfund sites, and numerous hazardous waste facilities.

Hurricane Katrina represents the greatest environmental disaster to ever occur in North America. This could cause enormous consequences to health and the environment. It has been described as the biggest

Brownfield and may be the largest reconstruction project in US history. Evidence thus far shows that many flood impacted areas are contaminated, and the contamination in large measure exceeds the Environmental Protection Agency's (EPA) clean-up standards. Testing done by the Natural Resources Defense Council (NRDC), EPA and others shows sediments contaminated with heavy metals, petroleum, pesticides, and industrial chemicals from oil and soot. In the immediate aftermath of the storm, dangerously high mold counts were found in the air with some neighborhoods showing mold spore counts as high as 645,000 per cubit meter. The recommended safe level by EPA for mold spores is 50,000 spores per cubic meter.

The response to the health implications related to this enormous environmental catastrophe falls far below any logical or reasonable response to this disaster. Second only to "rebuilding the levees", environmental health should be the issue of greatest concern in the rebuilding and repopulating plan for the city. Unfortunately, issues related to health and the environment have hardly been mentioned in the discussions of rebuilding the city. This piece of the rebuilding process is missing. Its omission is giving life to numerous rumors and panic that can stall the rebuilding process. At stake is not only the health of the community but also the loss of property and wealth for a large portion of the New Orleans African American community, and a possible dramatic shift in the demographics of the city, with negative implications for the black electorate.

To illustrate, I would like to acquaint you with a project that has concentrated its efforts in New Orleans East and is focused on the safe return of residents to the area. It is called "A Safe Way Back Home." (www.dscej.org) As a professor and Director of the Deep South Center for Environmental Justice at Dillard University that is located in the Gentilly area, I have been actively involved in projects that assist community residents returning to the city and rebuilding their homes. Our emphasis, however, has been on their safe return and on environmental contamination issues. To this end, we have formed a collaborative that includes the United Steele Workers, Common Ground, faith based organizations (i.e. the United Methodist Church), and colleges and universities to complete soil remediation projects in several neighborhoods in eastern New Orleans. The process for completing the project requires residents to contact and organize their neighbors in their block. The result is that we are bringing back neighborhoods block by block rather than house by house.

We have also experienced a "tipping point" in the project in that we are beginning to see other houses and blocks in the area replicating the project. New lawns are cropping up all around the neighborhood. That means that residents have not only improved the aesthetics of the neighborhood but are now also protected from environmental contamination.

I can tell you without hesitation that I am disappointed in our government's response to the disastrous consequences of Katrina on my community. I am broken hearted and disappointed, not by the "inaction" of government, but by the actions that were taken by our government that hampered our safe and speedy return to our homes.

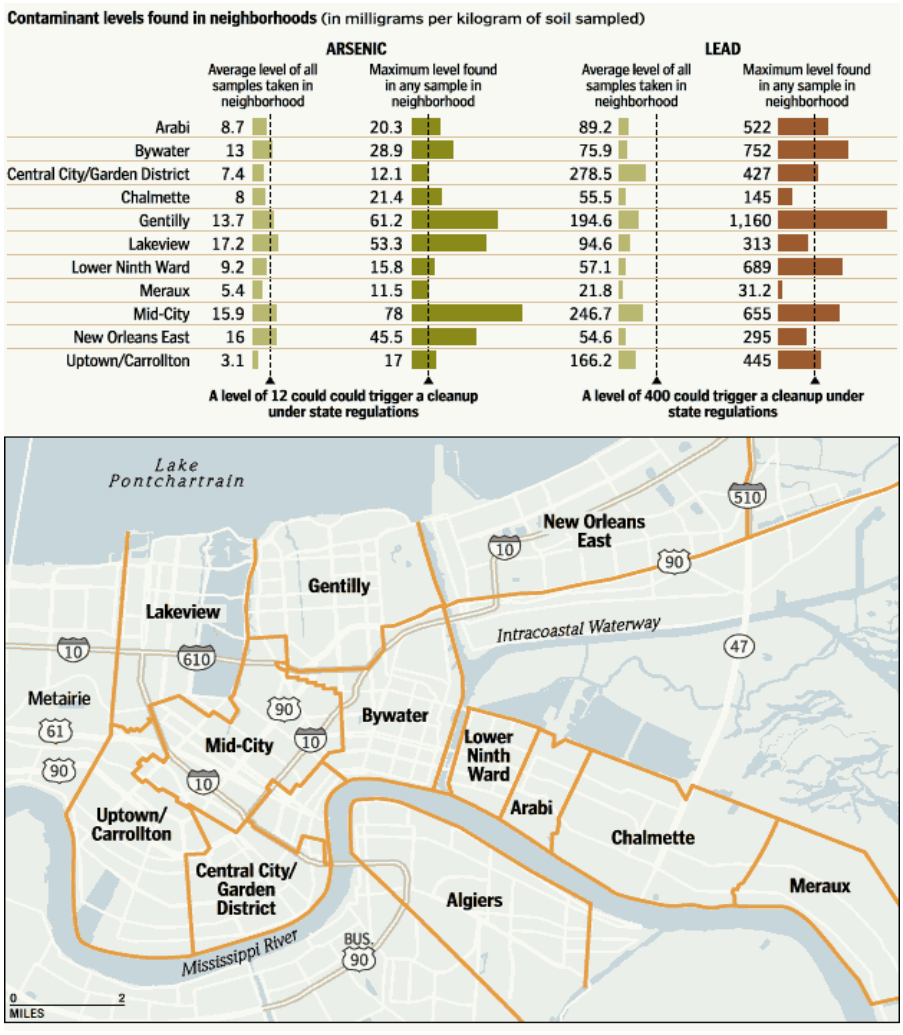
The "Safe Way Back Home" project emerged out of the frustration of many citizens over the lack of information available on environmental contamination, health and safety. Even more disconcerting was the actual "double-talk" that we were receiving from the EPA on contamination levels and risks, and on how residents should respond.

The DSCEJ at Dillard University has been conducting environmental remediation training with a grant from NIEHS for the last 12 years. The specialized expertise and the trained workforce that it provided was a great benefit to the city after Katrina. It also meant that our university center could and would play a critical role in providing a vital service in the clean-up of the city. We could supply trainers and workers in areas gravely needed to clean-up and rebuild the city. But, there was one more thing that we could provide

besides our professional expertise, and that was the implementation of a program that would result in the actual clean-up of a site.

After Katrina, however, there was mass confusion on the ground. The information that we received from EPA's website showed contamination levels for lead, arsenic, and PCB's to be extremely high, exceeding both EPA's and LDEQ's recommended safe risk levels.

We consulted with scientists from the Natural Resource Defense Council (NRDC) and consulted EPA's website that reported sampling data, to determine the type and extent of remediation needed to reduce the risk of exposure from chemicals found in the soil.



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

In our attempt to be responsive in the midst of what we saw to be slow to no action in the clean-up of neighborhoods by government and at the same time watching residents return to their homes everyday without protective gear or information on risk levels for sediment, we decided to implement a

demonstration project that the government could model in the clean-up of the city. In the project's development, we spoke with EPA (off the record), FEMA, the United Steelworkers Union, volunteer organizations and student organizations.

After a short planning period and coordination of partners, the DSCEJ at Dillard University and the United Steelworkers developed a plan to remediate 25 homes or one block in the New Orleans East area. With approximately 180 volunteers over two weekends, we removed six inches of top soil, deposited clean soil and planted sod on the 25 homes where residents agreed to the terms of participation.

FEMA committed to pick-up the soil. The Red Cross agreed to provide supplies, and the volunteers agreed to assist. The United Steelworkers operated the bobcats to remove the soil. We were well on our way to completion of what we saw as a precedent-setting event when on the third day, FEMA stopped picking up the soil. All of our efforts to get them to honor their commitment were thwarted. We were actually stuck with several large piles of contaminated soil on the street of a block we had just returned to normal with beautiful green grass on front and back lawns, safe enough for children to play outside. We could not understand why FEMA discontinued picking up the soil. We were latter informed that the soil was contaminated and considered Hazardous Material and under the Stafford Act could not removed by FEMA. EPA and the LDEQ were insisting that the soil was not contaminated. The residents were caught in the middle of an unbelievable dispute. What were we to do with these large mounds of soil now sitting in the street in front of our houses?

The story does have an ending, but not because the Federal Government resolved this issue. Eventually, the city of New Orleans removed the soil from the median where we moved it so as not to re-contaminate the entire block.

The U.S. General Accountability Office (GAO) June 2007 report, *Hurricane Katrina: EPA's Current and Future Environmental Protection Efforts Could Be Enhanced By Addressing Issues and Challenges Faced on the Gulf Coast*, speaks directly to actions taken by EPA.[1]

First and foremost, the agency did not assess and properly mitigate Katrina environmental impacts in this case. As cited in the 2007 GAO report, EPA's December 2005 assessment stated that a "majority" of sediment exposure was safe. But eight months later August 2006, the agency revealed that this measure was for short-term visits such as to assess immediate exposures damage, not to live near or in the area.

Our voluntary neighborhood clean up project was in March 2006. I believe that it was this inconsistent and misleading information that led to FEMA's decision to disengage with our project and resulted in the LDEQ reporting that our project was unnecessary. As a result, residents on our block were left to handle on their own large mounds of contaminated soil piled on the street in front of our houses.

What has become clear through my interaction with EPA and this experience is that the agency has lost sight of its true mission to protect the public health and the environment. We experienced a bureaucratic response in a crisis situation. The agency followed "the letter of the law and not the spirit" of the law. For example, state and federal officials labeled the voluntary clean-up efforts as "scaremongering." EPA and LDEQ officials said that they tested soil samples from the neighborhood in December 2005 and that there was no immediate cause for concern. According to Tom Harris, administrator of LDEQ's environmental technology division and state toxicologist, the government originally sampled 800 locations in New Orleans and found cause for concern in only 46 samples. Generally, the soil in New Orleans is consistent with "what we saw before Katrina" says Harris. He called the "Safe Way Back Home," program completely unnecessary.

A week after the March 2006 voluntary neighborhood clean-up project began, a LDEQ staffer ate a spoonful of soil scraped from the piles of soil left by FEMA in front of the beautiful new lawns planted by volunteers of the "Safe Way Back Home" project. The soil-eating publicity stunt was clearly an attempt to disparage the proactive neighborhood clean-up initiative. I immediately invited Mr. Harris back to eat a spoonful of soil every day for the next 10 years. Only then would I be convinced that his exposure to the chemicals in the soil would be comparable to my children or grandchildren playing outside in the soil everyday. I offered to buy him lunch and bury the hatchet if he were still alive and well.

While I was initially totally confused by EPA's response to contamination threats to my hometown presented on their website, I was truly angry after reading the June 2007 GAO report. It is clear that existing policies are not adequate to protect the public in matters related to disasters especially catastrophic events like Hurricane Katrina. It would seem that the existing policies actually work in a manner that is diametrically opposed the agencies' mission; that being the environmental health and safety of the public.

The "Safe Way Back Home" project has caused excitement and increased hope for the neighborhood's return. All of this is happening without any assistance from local, state, or the federal government. It has been the unrelenting resolve of New Orleans East residents to rebuild their homes and their lives that has given us a glimmer of hope for recovery.

In attempting to understand how and why the federal agencies (EPA, FEMA, Army Corps of Engineers) were unable to assist citizens in their quest to remediate their own properties after the storm, the GAO's *Hurricane Katrina: EPA's Current and Future Environmental Protection Efforts Could Be Enhanced by Addressing Issues and Challenges Faced on the Gulf Coast* report offers much insight on the inner workings of these agencies that fostered their failure to act. In fact, their actions served as a deterrent to citizens' efforts.

While it is still my deepest contention that the federal government should be responsible for the assessment and mitigation of impacts from Katrina, in the absence of appropriate response that would lead to the mitigation of exposure, I would expect and strongly contend that the EPA and /or LDEQ should assist citizens in the mitigation of their property when necessary.

The project, however, has been seriously hampered by the actions of government to negate its necessity and the inaction of government with some assistance in removing the soil. Ironically, although the EPA and LDEQ officials say that the soil is "safe," FEMA refused to pick up the soil because it was contaminated. We have been unable to find any government agency that will take responsibility for disposing of this material and we are left to find our own individual solution. The phrase "Let Them Eat Dirt," is appropriate in this situation but much more menacing in that this "dirt" is contaminated.[2] I have also been told that money not safety is the driver in this instance.

Although government officials insist the soil in residents' yards is safe, Church Hill Downs Inc., the owners of New Orleans' Fair Grounds, felt it was not safe for its million dollar thoroughbred horses. The owners hauled off soil tainted by Hurricane Katrina's floodwaters.[3] Certainly, if tainted soil is not safe for horses, surely it is not safe for people—especially children who play and dig in the dirt.

My recommendation would be to re-examine the policy of the National Flood Insurance Program/Act that allows for up to $30,000 in additional funds to homeowners to demolish or even raise their houses. I recommend that the federal government appropriate a $3,000 to $5,000 grant to homeowners to remediate front and back yards from sediment left by Hurricane Katrina flood waters.

What however is most significant in our struggle is that all of our efforts may be for naught. The latest report including flood maps produced by the Army Corps of Engineers show no increase in levee protection to New Orleans East residents since Katrina.[2]

I would like to see this subcommittee investigate why a disproportionately large swath of Black New Orleans once again is left vulnerable to future flooding. After nearly two years and $7 billion of levee repairs, the Army Corps of Engineers has estimated that there is a 1 in 100 annual chance that about one-third of the city will be flooded with as much as six feet of water.[4] Mostly African American parts of New Orleans are still likely to be flooded in a major storm. Increased levee protection maps closely with race of neighborhoods with black neighborhoods such as the Ninth Ward, Gentilly, and New Orleans East receiving little if any increased flood protection. This is clearly an environmental justice issue since this could lead insurers and investors to think twice about supporting the rebuilding efforts in these vulnerable areas.

INTERGENCY PERFORMANCE EVALUATION TASK FORCE RISK AND REHABILITATION REPORT

ARMY CORPS OF ENGINEERS
JUNE 20, 2007

	Average Depth of Flood Water Decrease	Fatalities Decreased	Property Loss Decreased
Lake View	5.5 ft	70%	32%
Upper Ninth	.5	31%	11%
Lower Ninth	2 ft	29%	4%
Gentilly	.5 ft	19%	5%
N.O. East (West Lake Forest)	NC	NC	NC
Michoud	NC	NC	NC
New Orleans East	1 ft	83%	24%

Source: Army Crops of Engineers Interagency Performance Evaluations Task Force IPET), *Risk & Reliability Report* (June 20, 2007) found at http://nolarisk.usace.army.mil/.

All things being equal, my neighbors and I can expect the same amount of flooding as occurred with Katrina. The injustice lies in the fact that this same scenario does not exist for all New Orleanians who were affected by the storm. The Lakeview area can expect 5 ½ feet of increased levee protection, that means 5 ½ feet less water than what they received from Katrina. The fact is that Lakeview is mostly white and affluent; New Orleans East is mostly black and middle class. Where is the justice? I cannot believe that this is still happening to us.

This same scenario is also true for the mostly black Lower Ninth Ward, Upper Ninth Ward, and Gentilly. There is a racial component to this injustice. Whether you are rich, poor, or middle class, if you are a black resident of New Orleans, you are less protected and you have received less increased protection from the federal government than the more white and affluent community of Lakeview.

AGRICULTURE STREET LANDFILL

Hurricane Katrina is not the first time New Orleans residents have heard from official sources that a place is safe, only to discover evidence to the contrary. New Orleans' Agricultural Street community, which includes the Gordon Plaza subdivision, Housing Authority of New Orleans (HANO) housing and the Press Park residential area and community center, was built in the early 1980s on top of the Agricultural Street Landfill site. The 95-acre site was used as a municipal landfill (that included debris from Hurricane Betsy in 1965) for more than 50 years prior to being developed for residential and light commercial use. It closed in 1966.

Metals, pesticides and polycyclic aromatic hydrocarbons (PAHs) were found in surface and subsurface soils in the Agricultural Street area during environmental studies in 1993. The EPA refused to declare the site eligible for the Superfund program in 1986, but, using standards that gave more weight to soil contamination, added the landfill to the National Priorities List as a Superfund site in 1994.[5] Residents immediately pushed for a property buy-out and relocation from the contamination. But the federal EPA disagreed, and ordered a $20 million "clean-up," which began in 1998 and was completed in 2001.

Government officials assured the Agricultural Street community residents that their neighborhood was safe after the "clean-up" in 2001. But the Concerned Citizens of Agriculture Street Landfill disagreed and filed a class-action lawsuit against the city of New Orleans for damages and relocation costs. Unfortunately, it was Katrina that accomplished the relocation - albeit a forced one. This year, after thirteen years of litigation, Seventh District Court Judge Nadine Ramsey ruled in favor of the residents, describing them as poor minority citizens who were "promised the American dream of first-time homeownership," though the dream "turned out to be a nightmare."[6] Her ruling could end up costing the city, the Housing Authority of New Orleans and Orleans Parish School Board tens of millions of dollars.[7]

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

The Agriculture Street Landfill story, however, does not end here. Since Katrina, toxic hot spots have been identified on the site by EPA, the Katrina flood waters evidently stirred up a toxic soup that has further exacerbated the problem. When we inquired about the contamination problem at the site some months after the storm, EPA's retort was that "there were hot spots but it was no longer an environmental justice issue because all the people were gone." Wrong!! A visit to the site showed people living in FEMA travel trailers and others preparing to re-enter their homes after remediation.

In closing, I would like to call to the attention of the committee a situation of grave concern to parents of children attending New Orleans public schools.

In March of 2007, a coalition of community and environmental groups collected over 130 soil samples in Orleans Parish. Testing was conducted by Natural Resources Defense Council (attached to my testimony). Sampling was done at 65 sites in residential neighborhoods where post-Katrina EPA testing had previously shown elevated concentrations of arsenic in soils. Sampling was also done at 15 playgrounds and 19 schools. We strongly believe the results of the testing indicate the need for additional investigation into the safety of a number of school grounds. Results from the independent laboratory testing for the 19 schools are as follows:

Sample Location	Street Address	Arsenic concentration (mg/kg)
Einstein Charter	5100 Cannes	0.4
Mary Bethune Accelerated School	4040 Eagle St.	0.4
Moton Elem	3000 Abundance Street	0.4
Dr. MLK Jr	2503 Willow St	0.5
Lake Forest Elementary	12000 Hayne Blvd.	0.5
Lusher Elementary/Middle School	7315 Willow St.	0.5
McDonogh 28	401 Nashville Ave.	0.5
Laurel Elementary	820 Jackson Ave.	0.5
Reed Elementary	2521 Marais St.	0.6
International School of LA	1400 Camp St. (Andrew Jackson Bldg)	0.6
P.A. Capdau Middle School	3821 Franklin Ave.	1.1
S.J. Green Middle School	2319 Valence St.	1.3
Lafayette Academy	2727 S. Carrollton Ave.	10.6
Medard H. Nelson Elementary School	1111 Milan St. (McDonogh 7 Bldg)	12.4
McMain Magnet Secondary School	5712 South Claiborne Ave.	12.6
Craig Elementary	1423 St. Philip St.	16.1
Drew Elementary	St. Claude Avenue & Pauline St.	20.3
Dibert	4217 Orleans Ave.	22.8
McDonogh Elementary (#42)	1651 North Tonti St.	34.4

The six results against the grey background indicate levels of arsenic in excess of the LDEQ's soil screening value for arsenic. The LDEQ soil screening value of 12 milligrams per kilogram (mg/kg) normally requires additional sampling, further investigation, and a site-specific risk assessment. It is clear that the levels of arsenic in the sediment are unacceptably high for residential neighborhoods. We are especially concerned about potential health risks to children playing in areas with arsenic contaminated sediments. At some of the sites sampled in March, lab results indicate that arsenic levels have increased in the time passed since earlier post-Katrina studies.

In June 2007, the coalition sent a letter to LDEQ requesting it to take action (letter is attached as part of my testimony) and recommending that it take advantage of the window of opportunity provided by the upcoming summer vacation to (1) conduct additional sampling of school playgrounds in previously-flooded areas; (2) conduct a site-specific risk assessment; and (3) work with the schools and community to examine potential remediation options. Because we feel it would be unethical to withhold this data from potentially affected parties, we have notified school officials in the six schools with the elevated arsenic levels detected in their sediments. The response that we received from the USEPA (attached to my testimony) was basically that they were reviewing our letter and would respond within 30 days. The response that we received from LDEQ (attached to my testimony) concerning the high arsenic levels found on the school grounds of New Orleans public schools, once again supports the criticism of EPA's response to Katrina cited by the June 2007 GAO report, that being, the agency did not assess and properly mitigate Katrina environmental impacts.

Specifically, the letter from LDEQ first of all addresses the fact that "15 of the 19 schools sampled fell below health-based levels of concern and are consistent with background levels for Louisiana." Our data

actually show 13 of the 19 schools at safe levels. However, this was not the point. We were and presently are only interested in those schools with problems.

Secondly, the letter from LDEQ immediately speaks to their process for collecting samples and the fact that LDEQ and USEPA together collected more than 2,000 sediment and soil samples in the impacted area and that NRDC "collected only one sample." What is implied in this statement is that the sampling that we did, although the results were high, does not warrant further testing or concern. Consequently, we were told that we should inform the schools in question. But, although LDEQ was under no legal obligation, since the public schools are strapped for funds, they would provide further testing if the principal of the school made the request. My reply to that is, "well, thanks for the favor," but is it the job of citizens to assess and mitigate the impacts of Katrina?

In the letter from LDEQ, there is an attempt to educate the coalition on a few facts that we were not aware of. These involved the possibility of the arsenic contamination existing on these school grounds before Katrina. I find this to be an absolutely incredible statement coming from this agency. Does this mean that LDEQ was actually aware of the fact that elevated arsenic was on the playgrounds of these schools? If not, then why are we discussing pre-Katrina arsenic levels?

The point is that LDEQ and USEPA seem much more interested in justifying their existing position, that being that they are not obligated or even forbidden by law to clean up pre-Katrina contamination, than they are in protecting the public. It is our hope that LDEQ and USEPA rise to the challenge of its mission to ensure that Louisiana's citizens "have a clean and healthy environment to live and work in for present and future generations" by responding to this data in a time-sensitive manner.

End Notes

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[1] U.S. General Accountability Office, *Hurricane Katrina: EPA's Current and Future Environmental Protection Efforts Could Be Enhanced by Addressing Issues and Challenges Faced on the Gulf Coast*. Washington, DC: GAO Report to Congressional committees, June 2007.
[2] See Robert D. Bullard, "Wrong Complexion for Protection," *The Next American City*, (Winter 2006/2007), found at http://www.americancity.org/article.php?id_article=206.
[3] Brett Martell, "Horse Racing Returns to New Orleans," *Associated Press*, November 23, 2006.
[4] John Schwartz, "Army Corps Details Flood Risks Facing New Orleans," *The New York Times*, June 20, 2007.
[5] See Agency for Toxic Substances and Disease Registry, Public Health Assessment - Agriculture Street Landfill, New Orleans, Orleans Parish, Louisiana, Atlanta, GA: ATSDR (June, 1999); Alicia Lyttle, Agriculture Street Landfill Environmental Justice Case Study, University of Michigan School of Natural Resources, Ann Arbor, Michigan (January 2003).
[6] *Ibid*.
[7] Susan Finch, "Ag Street Landfill Case Gets Ruling: City Ordered to Pay Residents of Toxic Site," *The Times-Picayune*, January 27, 2006.