



SURVIVING CANCER ALLEY

The Stories of Five Communities



Report supported by the Climate Advocacy Lab

CANCER ALLEY

The Mississippi River Chemical Corridor produces one-fifth of the United States' petrochemicals and transformed one of the poorest, slowest-growing sections of Louisiana into working class communities. Yet this growth has not come without a cost: the narrow corridor absorb more toxic substances annually than do most entire states.¹ An 85-mile stretch along the corridor, infamously known as "Cancer Alley," is home to more than 150 heavy industrial facilities, and the air, water, and soil along this corridor are so full of carcinogens and mutagens that it has been described as a "massive human experiment."² According to the Centers for Disease Control, Louisiana has consistently ranked among the states with the highest rates of cancer. Geographic Information System (GIS) mapping by the Deep South Center for Environmental Justice not only shows a correlation between industrial pollution and race in nine Louisiana parishes along the Corridor, but also finds that pollution sources increase as the population of African Americans increases.

MAP OF COMMUNITIES IN LOUISIANA

Cancer Alley

1 Norco

2 Convent

3 Mossville

4 New Orleans East



INTRO

HISTORY OF LOUISIANA'S MISSISSIPPI RIVER CHEMICAL CORRIDOR

The air, soil, and water along the Mississippi River Chemical Corridor absorb more toxic substances annually than do most entire states. We look briefly at the history and development of this corridor, as well as the founding of the Deep South Center for Environmental Justice (DSCEJ), to provide the background and context for the case studies that follow.

In the early 1900s, Louisiana slowly began to change away from an agricultural and fishing economy based on its cypress swamps, waterways, and fertile soil. This change was ignited by successful oil exploration in the state, which led to the construction of the first refinery in Baton Rouge and a long-distance pipeline connecting it to an oil well in Caddo Parish.¹ The Mississippi River was a pull factor for petrochemical companies due to its capacity for access to barges and disposal of chemical waste. Louisiana lawmakers enacted an industrial property tax exemption to further attract manufacturing facilities and encouraged their expansion through perpetual extensions of the tax break that continue to this day.

In the 1940s, the state's population began moving in the direction of jobs created by this new oil-based economy, and in 1956 it was estimated that 87,200 Louisianians were directly employed by the petrochemical industry.² By the 1970s, the 85-mile corridor of the Mississippi River between Baton Rouge and the coast was lined with 136 petrochemical plants and seven oil refineries—nearly one plant or refinery for every half mile of the river. These trends continued and in 1982, the number of people employed by the state's petrochemical industry had doubled to 165,000, with industrial taxes accounting for one of every three tax dollars collected by the state.

In 1991, then-Governor “Buddy” Roemer canceled \$30 million dollars of tax exemptions given to petrochemical companies and strengthened environmental regulation, however, these changes did not last. In 1994, petrochemical industries employed five percent of the state’s population and paid \$530 million dollars in state taxes, a small fraction of the exempted tax dollars. These industries continue to have a powerful influence on legislation and elections in Louisiana.

The Deep South Center for Environmental Justice was founded in 1992 to respond to the toxic threats of industrial pollution along the Mississippi River Chemical Corridor. A major objective was to assist in the development of African American leadership and build the capacity of communities to respond to these threats and effectively participate in the decision-making processes affecting their health, environment, and economy. To this end, DSCEJ developed a community advisory board known as the Mississippi River Avatar Board comprised of representatives from the following community organizations: Concerned Citizens of Agriculture Street Landfill, Parent’s Outreach for Youth, Central City Economic Opportunity, People’s Institute, Ascension Parish Citizens Against Toxins, St. James Citizens for Jobs and Environment, Concerned Citizens of Norco, Concerned Citizens of Algiers, North Baton Rouge Environmental Association, Central City Economic Opportunity, Mossville Environmental Action Now, and Louisiana Environmental Justice Community Organizations Coalition.

From 1995 to 1998, DSCEJ’s Mississippi River Avatar Board met monthly, and a robust community education and training program funded by the U.S. Environmental Protection Agency was designed and implemented over a three-year period. DSCEJ staff educated communities to understand and access scientific and technical information and research, empowered community members to speak for themselves, and equipped them with skills to navigate the complicated systems within agencies regulating pollution and industrial operations. This work laid the groundwork for building and sustaining the environmental justice movement in Louisiana. Several of the board members went on to lead community struggles that achieved notable environmental justice victories, which are documented in the five case studies that follow.

DSCEJ presents these case studies of community organizations in Louisiana who overcame seemingly no-win situations involving hazardous industrial development and waste sites that threatened their health, environment, quality of life, and future generations. These case studies document strategies including community organizing, capacity-building, and advocacy that were used to confront and challenge powerful corporations and institutions.

THE CASE STUDIES FOCUS ON AFRICAN AMERICAN COMMUNITY ORGANIZATIONS IN LOUISIANA THAT LED STRUGGLES TO:

1. Fight for the relocation of an entire community in **Norco**, sandwiched between two multinational petrochemical facilities;
2. Prevail in the US Environmental Protection Agency’s decision to, for the first time, overrule a state agency decision to issue permits under the Clean Air Act for a proposed petrochemical complex in a community burdened each year with 17 million pounds of toxic pollution from existing industrial facilities in **Convent**.
3. Hold the federal government accountable for permitting 14 toxic industries in **Mossville**, where residents suffered from one of the highest recorded levels of dioxin exposures;
4. Protect **New Orleans East** neighborhoods from a waste-to-energy incineration facility proposed soon after Hurricane Katrina; and
5. Defend **New Orleans East** residents from a proposed gas plant and other industrial developments sited next to homes and schools.

Additionally, these case studies examine the public messaging developed by the community organizations, the values and principles guiding them, and the barriers they ultimately surmounted.

Central to each of them are African American and low-income communities in the shadows of towering oil, gas, and

petrochemical facilities and in the pathways of increasingly powerful hurricanes and rising sea level. These communities are representative of the people of color and poor communities across America, where residents suffer the consequences of our society’s dependence on fossil fuels, including poor health associated with chronic exposure to toxic pollution and low likelihood of recovery from severe weather events made worse

by human-caused climate change. However, the ability of each community organization to successfully defend their communities is nothing short of remarkable – historically, politically, economically, and socially. Their journeys to overcome environmental injustice are chronicled here to help facilitate a greater understanding of how to create positive change for ourselves, our communities, and our planet.♦

The ability of each community organization to successfully defend their communities is nothing short of remarkable – historically, politically, economically, and socially. Their journeys to overcome environmental injustice are chronicled here to help facilitate a greater understanding of how to create positive change for ourselves, our communities, and our planet.

Footnotes: ¹ In Louisiana, a parish is a political subdivision equivalent to a county in other U.S. states.

² The industrial inducements program implemented by the then Governor John McKeithen in the 1960s, attracted petrochemical companies to the state by expanding generous tax exemptions.

TABLE OF CONTENTS

7

The Diamond Community & the Shell Chemical Facility

12

The Convent Community & the Shintech Corporation

17

The Struggle for Human Rights in the Mossville Community

22

New Orleans East Community & Sun Energy

26

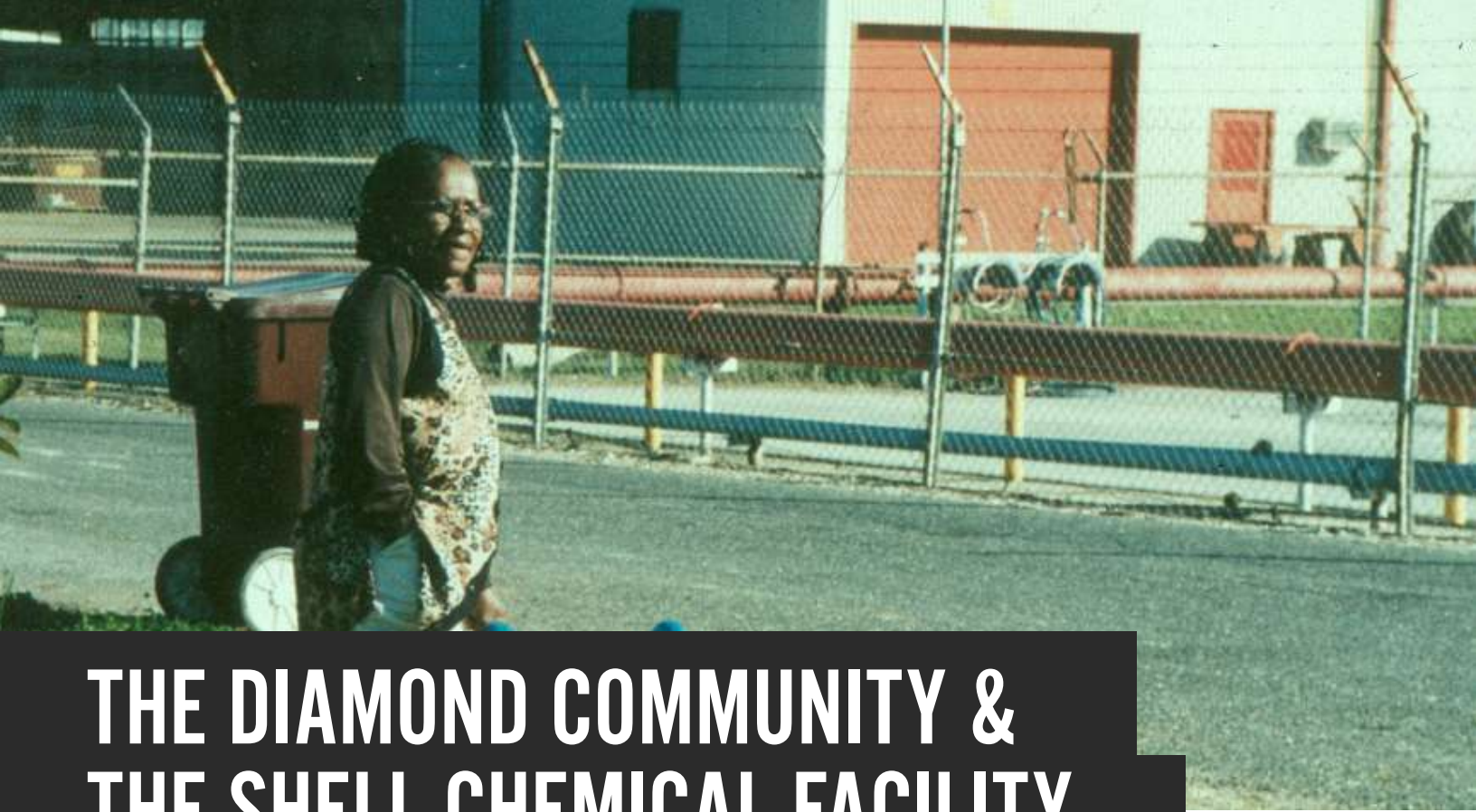
New Orleans East Community & the Proposed Entergy Gas Plant

31

Appendix: Supporting Organizations

33

Footnotes & Endnotes



THE DIAMOND COMMUNITY & THE SHELL CHEMICAL FACILITY

COMMUNITY ORGANIZATION:
Concerned Citizens of Norco (CCN)

ENVIRONMENTAL PROBLEM:
Poor air and water quality, soil contamination

SOURCE OF PROBLEM:
Shell Chemical facility's toxic emissions and hazardous operations

POPULATION SIZE:
Approximately 1,000 people

RACE:
100% African American

AVERAGE INCOME:
\$14,000/year

OUTCOME:
African American residents of the Diamond community in Norco, Louisiana won a decisive environmental justice victory in which the Shell Corporation took actions that were unprecedented in the corporation's history.

In 1955, Shell expanded its oil business to establish a chemical manufacturing facility in the Diamond community of Norco. Shell built this chemical facility within ten feet of residents living in the Diamond community, sandwiching residents between the Shell Chemical Plant and the Shell/Motiva Refinery, and daily releasing toxic pollution that endangered the health and safety of Diamond residents. The Old Diamond Plantation in Norco, Louisiana was 100 percent African American. This community had a total population of 1,020 with an average annual family income of \$14,000.

By the late 1990s, the residents of the Diamond community lived in the midst of the Shell/Motiva manufacturing complex, which reported over two million pounds of toxic emissions to air on the 1997 Toxic Release Inventory. Pollution from the Shell chemical facility and the Shell/Motiva oil refinery contributed over 50 percent of the toxic air releases in the entire St. Charles Parish. Among the petroleum industry, the Shell/Motiva oil refinery was the second largest emitter of toxic chemicals to air in Louisiana and released more recognized carcinogens to air than any other refinery. The residents living near the Shell facilities were exposed to pollution in three ways: permitted emissions from the stacks; fugitive emissions from leaky pipes and valves; and accidental releases that further exposed residents to harmful substances.

Over the years, the community of Diamond learned to cope with the expansion of the Shell/Motiva facility's intrusion on their lives. Their personal compass of quality living was distorted by the everyday events that normalized living on the fence line of a huge petrochemical complex. In 1973, a shell pipeline erupted and blasted a home of an elderly African American woman. She was asleep inside and died from burns received in the fire. A teenage boy mowing the grass outside of her house was engulfed in flames. He died three days later in a hospital. Despite these deaths, Shell's pipeline remained in place and was clearly visible above ground where it sprawls almost the entire length of Washington Street, a boundary of

the Shell chemical plant nearest residents. In 1988, a catalytic cracker used at the Shell Oil refinery exploded killing seven plant workers, injuring 48 people, and damaging property for several miles. Residents had to immediately evacuate the area.¹ According to reports by Shell to the Louisiana Department of Environmental Quality (LDEQ), an average of 3.5 to 3.75 accidents per month occurred at Shell facilities in Norco from 1998 to 1999.²

According to the LDEQ 1998 data on criteria air pollutants, Shell facilities in Norco released in one year a total of 35 million pounds of nitrogen dioxide, which can cause eye, skin and lung irritation; 6.8 million pounds of sulfur dioxide, which can damage the lungs; 3.8 million pounds of carbon monoxide, which is a neurological and respiratory toxin; and 1.8 million pounds of total suspended particulates. Although few accidents at Shell facilities in Norco had resulted in deaths, the frequency of gas leaks, chemical spills, and fires were cause for alarm. Between 1998 and mid-1999, Shell reported 66 accidents at its Norco facilities that resulted in releases of toxic and harmful substances at levels that exceeded the permitted levels.

The Shell Chemical plant produced epichlorohydrin, methyl ethyl ketone, allyl chloride, specialty resins, hydrochloric acid, and secondary butyl alcohol. Adverse health effects of these chemicals could cause a variety of diseases including decreased fertility in males, lung, liver, kidney and nervous system damage, lung cancer, irritation of nose and throat, coughing, shortness of breath, possible developmental malformations, and dizziness, lightheadedness, headaches, nausea, blurred vision and skin allergies.³

The residents of Diamond and the surrounding town of Norco were clearly at great risk of exposure to toxic chemicals. Norco residents were told that in the event of an accident, they should “shelter-in-place,” a procedure requiring them to run to the nearest building and seal off all outside air. However, given the structural conditions of homes in the poor neighborhoods of Norco, shelter-in-place falls far short of preventing toxic exposure. Research showed the shelter-in-place method to be an ineffective way to prevent toxic exposure. A test building was exposed to a chemical release for three hours. Measurements of



Damu Smith with Margie Richard at Cancer Alley Celebrity Tour

air pollutants were taken outside the building and inside as well to determine how much gas was infiltrating. After three hours, the levels of chemicals inside the building were equal to those outside. In addition, it took between 36-48 hours for the air inside the house to “off-gas” the pollution.

The dismal safety record of Shell coupled with its lack of action to protect residents and complete denial of any health effects from the plant was the impetus for forming the community organization Concerned Citizens of Norco. The mission of Concerned Citizens of Norco was to be relocated away from the toxic air emissions, episodic explosions, loud noises, noxious odors, and flaring that lit the night sky, and the constant release of pollution from the hundreds of connectors and units at the facility that triggered asthma attacks and emergency room visits. “We are now fighting the injustice of Shell raining down pollution on our neighborhood,” said Margie Richard, the president of Concerned Citizens of Norco, who was elected by the community to be their president.⁴ Alongside Margie Richards, committed people worked for Concerned Citizens of Norco. This community organization held together for 17 years and prevailed in reaching their goal. The Diamond community trusted the organization, its leader, and the team of volunteers. It is important to note the command that Ms. Richards and Concerned Citizens of Norco had in directing the assistance offered by allies so that each partner organization or individual worked in service of the Diamond community and not the other way around. Margie Richards contacted the Deep South Center for Environmental Justice for help in 1992, and soon after joined DSCEJ’s Community Advisory Board and participated in its innovative training program. The training began with a community health survey to determine the overall health of residents. Next, the community was introduced to the



Damu Smith, Black Environmental Stewardship Training



A determined group of Norco residents used the Bucket Brigade, a simple but powerful tool that enables ordinary citizens to take EPA approved air samples, to bring attention to air pollution in their community.

agencies that were responsible for protecting their health.

What catalyzed the transformation in the community was the decision to file suit against Shell in 1993 for relocation. Specifically, they joined marches, conducted street protests, utilized media, filed lawsuits, and implemented public education and advocacy campaigns. In particular, science literacy was very important to the success of the Norco community. Learning through science how to monitor episodic events and chemical exposure was important to protecting health and gathering evidence. Citizen science proved to be their most effective tool, including learning to collect air samples and applying this knowledge in real time, which exposed Shell's Achilles heel and became the shiny object that lured the EPA into action. The community was introduced to techniques for sampling water, soil testing, and air monitoring.

To the dismay of Norco residents, Shell brought in many witnesses from the white side of Norco who were tied to the company through jobs or retirement. They testified that they experienced a few problems while living next to the Shell plant. In contrast, residents from the Diamond community of Norco related hardship stories about the illnesses they suffered while living sandwiched between the two Shell facilities. While these stories were convincing with evidence to support the many incidents at Shell affecting the quality of life and health for

Norco residents on the black side of the plant, the jury rendered a verdict in favor of Shell.

In 1998, the residents of Norco were once again unnerved by a white gas entering their homes causing a burning sensation in their eyes and throat and feelings of nausea resulting in some community residents being treated in hospital emergency rooms, and school children being evacuated to areas farther away from the Shell plant. Shell reported, "there were no chemicals released in the community" and assured residents the situation was "stabilized."⁵ Shortly after Shell's announcement was made, members of the California-based Communities for a Better Environment were in town and assisted residents by taking air samples in the neighborhood - using the Bucket Brigade, a simple but powerful tool that enables ordinary citizens to take EPA approved air samples, to bring attention to air pollution in their community. The materials used to take the Bucket Brigade's air samples include a teller bag, a small vacuum pump, and an ordinary plastic bucket with a few attached valves and a vacuum seal.⁶

In response to these findings, Shell conceded that a tank containing MEK was over-pressurized, but continued to assert their position of "no chemical releases from the tank."⁷ This incident resulted in the scheduling of a meeting by the residents with the EPA, the Louisiana Department of Environmental Quality (LDEQ), and Shell officials. At issue was Shell's continued denial of MEK releases into the community even in the face of scientific evidence to the contrary. At this meeting, the residents of Norco restated their demand for relocation based on this new evidence of health risks caused by the release of dangerous chemicals into the environment where they live.⁸ These findings prompted an EPA investigation of the Shell plant. EPA inspectors found that the Shell/Motiva oil refinery had "massive" problems meeting environmental regulations and that the plant's senior management was evasive about disclosing the troubles at the Norco plant.⁹

A determined group of Norco residents continued to use the Bucket Brigade. The Louisiana Bucket Brigade, a new organization, took up the work of collecting air samples. The Bucket Brigade usually took samples on days when there was a particularly bad smell or suspicious gas. However, on June



At center, Congresswoman Maxine Water celebrates the hard-won relocation victory with Diamond residents, June 2002.

19, 1999, a day in which everything at Shell appeared to be normal, nine harmful chemicals were detected in the sample, including toluene, acetone, MEK, and carbon disulfide. This was a day that most Norco residents will never forget as the citizens of Norco learned that on a daily basis—even good days with no discernible odors—they were likely being exposed to chemicals.

With the help of Damu Smith, an ally, Greenpeace organizer, and noted social justice activist, Congresswoman Maxine Waters joined the community's struggle. She organized members of the Congressional Black Caucus to sign onto a joint letter to Shell's CEO urging the company to agree to the community's reasonable demand for relocation away from the toxic fumes emitted by Shell facilities. She followed the letter with phone conversations with the CEO and continued to press for community relocation. Her persistence was captured in local newspapers. Congresswoman Waters was deservedly recognized as a champion for environmental justice.

Norco citizens learned a valuable lesson: you are stronger with numbers, and so began the introduction of the Norco story to

everyone who would listen. A multitude of partners were solicited to assist in the fight, and the result was an amazing diversity of people and organizations that responded to the call. They were of every race, creed, and color, and were environmental justice activists, environmental health scientists, preachers, teachers, physicians, community social justice organizers, and lawyers. A total of 14 organizations partnered with Norco in their fight for relocation.

On June 11, 2002, African American residents of the Diamond community in Norco, Louisiana won a decisive environmental justice victory in which the Shell Corporation took actions that were unprecedented in the corporation's history. Through strategic activism, Concerned Citizens of Norco won: (1) a relocation offer from Shell that made it possible for residents to move away from Shell's toxic facilities; and (2) a commitment by Shell to reduce toxic pollution at its local facilities. This victory was the result of CCN being both undaunted in their demand for relocation and pollution reduction and working in an effective coalition. ♦

<div>PROJECT</div> <div>WINS</div>	DSCEJ developed educational trainings and workshops on state and federal agency communication regarding environmental concerns		Scientific literacy throughout the Norco community
	Trust built within organization, leader, and volunteer team	Broad group of allies including environmental justice and health organizations, human rights groups, socially responsible investment firms, philanthropic foundations, health experts, and progressive members of the U.S. Congress headed by Representatives Maxine Waters, John Conyers, and John Lewis	Successful citizen science leveraging Bucket Brigades to prove presence of toxins, including air samples and comparisons to other public reports/research
	Creation of CCN which held together for 17 years and reached their goal		Community-elected president, Margie Richard
	Successful public advocacy, negotiation facilitation, and a model for respectful community support and effective organization of individuals and groups		

TIMELINE

THE DIAMOND COMMUNITY & THE SHELL CHEMICAL FACILITY



1916 New Orleans Refinery Company
a.k.a Norco begins operations



1929 Shell buys the petroleum
business and takes advantage
of Industrial Tax Exemption



1988 A catalytic cracker used at the Shell
refinery explodes, killing seven people
and injuring dozens more



1973 A Shell pipeline erupts, blasting
a home and killing two people



1955 Shell expands oil business to
establish chemical manufacturing facility



1990 Margie Richard returns to
Norco and is met with requests to
become the leader of CCN



1992 CCN's Margie Richard
contacts DSCEJ



1993 Norco community decides
to file suit against Shell for
relocation



1997 Results of a DSCEJ health survey from Xavier University show that among 47 households in the Old Diamond Plantation, 42 percent of residents interviewed reported respiratory ailments, 35 percent of children reported asthma, and only 22 percent of residents reported they were in excellent health



1998 Shell and Motiva are reported as
responsible for half of all toxic air
emissions released in St. Charles Parish

NO₂

1998 LDEQ's data reports Shell facilities
in Norco released a total of 35 million
pounds of nitrogen dioxide in one year



1998 Residents of Norco are once again
unnerved by a white gas entering their
homes



1999 Nine harmful chemicals detected
by Norco residents using the Bucket
Brigade



1998 to mid-1999 Shell reports 66
accidents at Norco facilities that resulted in
releases of toxic and harmful substances
at levels that exceeded permitted levels



1998 CCN organizes a Bucket Brigade in
their community, a tool that enables
ordinary citizens to take EPA-approved
air samples



2002 African American residents of the Diamond
community win a decisive environmental justice
victory against Shell



Courtesy of Dr. Robert Bullard

THE CONVENT COMMUNITY & THE SHINTECH CORPORATION

COMMUNITY ORGANIZATION:

St. James Citizens for Jobs and the Environment (SJCJE)

ENVIRONMENTAL PROBLEM:

Air and water quality, land pollution, soil contamination

SOURCE OF PROBLEM:

Located within a three-mile radius of five operating plants.

POPULATION SIZE:

Approximately 2,100 people

RACE:

82% African American

AVERAGE INCOME:

\$7,635

OUTCOME:

Shintech officials aborted their plan to locate the plant in Convent and announced that the company was backing out of the deal. Instead, Shintech planned to build a smaller plant in nearby Plaquemine. The victory over Shintech was made possible by SJCJE with the help of Tulane University Environmental Law Clinic, Earthjustice, Greenpeace, Governor Mike Foster, the Louisiana Association of Business and Industry, and many more allies.

In 1996, the small community of Convent, Louisiana was selected as a location for a proposed polyvinyl chloride (PVC) plastics plant, which would emit 600,000 pounds of toxic emissions into the air and pump nearly seven million gallons of wastewater into the Mississippi River each year.¹⁰ Dioxins, some of the most toxic chemicals known to science, are an unavoidable by-product of PVC manufacturing.

The proposal was made by Shintech Incorporated, a subsidiary of the Japanese company Shin Etsu. The siting of the Shintech plant in Convent would have significantly added to the existing toxic burden the community was already enduring.¹¹ Convent is a small community located in St. James Parish, part of a region known as “Cancer Alley,” a name alluding to the over 140 petrochemical and other industrial plants with which higher rates of cancer and other medical problems have been associated. The industries surrounding Convent emitted more than 16 million pounds of toxic emissions into the environment annually, and in 1994, it was estimated that 260 pounds of toxic chemicals were emitted per person in St. James Parish.

At the time that Shintech targeted Convent, residents had an average per capita income of \$7,635. The unemployment rate was 12 percent, and 40 percent of the population lived below the poverty line.¹² Approximately 2,500 people lived in Convent and the population was approximately 50 percent black and 50 percent white.¹³ This is an unusual racial demographic, but what made the racial composition of Convent important was the location of the site chosen by Shintech for its plant. The site chosen for the facility was located next to the Romeville community in Convent, where 82 percent of residents were black.¹⁴ The percentage of black citizens increased as one moved from a three-mile radius to a one-mile radius of the selected site.¹⁵ There, one could find a lane of homes where African American children

played outdoors and rode their bicycles. However, to Shintech executives, Romeville residents were invisible. Shintech Vice-President Irv Schroeder publicly explained that when the site was chosen, they did not see the people. While the siting of the plant in Convent was controversial in general, black residents considered it racist to build the plant in a largely black section of town; and for the environmental justice (EJ) community, it was clearly an EJ case.

The grassroots struggle against Shintech began with a community organization, made up of working poor residents from a town devastated by polluting industries. The St. James Parish residents, mainly African Americans, decided to use the courts to block Shintech from constructing a \$700 million PVC plant in their community. Key forms of mobilization in this struggle included: (1) the incorporation of community-based participatory research to collect environmental data and conduct health surveys; (2) the formation of a network for collective action; (3) involvement of national NGOs; (4) media campaign based on activism and use of alternative media; (5) legal tactics including official complaint letter and petitions; and (6) public campaigns with residents and organizations telling their stories, utilizing all forms of media, and traveling to



SJCJE Leaders (left to right): Mrs. Gloria Roberts and Mrs. Emelda West

the country of origin for polluting companies.

The leaders of St. James Citizens for Jobs and the Environment (SJCJE) were Mrs. Emelda West and Ms. Gloria Roberts, a retired cafeteria worker and retired school teacher, respectively, and both lifelong residents of Convent. These two courageous women, born on the same day, worked at the same school, and became best friends who co-founded SJCJE in 1996 to fight Shintech under the banner cry of "Enough is enough!" Both women were in their late 70's when they began the Shintech fight. Before the organization was formed, Mrs. West received

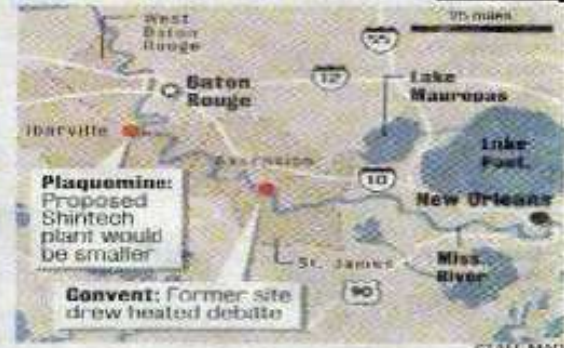
a phone call from Mrs. Pat Melancon, a neighbour informing her that Shintech Inc. had proposed to purchase the last three plantations in Convent (Wilton, St. Rose, and Helvetia) consisting of 3,500 acres.

The confrontation between the community and Shintech took on an added dimension when Louisiana Governor Mike Foster became involved. Governor Foster criticized the community's efforts to block Shintech, charging them with undermining his administration's efforts to bring economic development to poor communities in the state. The community argued that despite the Governor's good intentions, they did not want the pollution. They also pointed to the fact that they were not given a guarantee that St. James residents would fill those jobs. The residents cited previous industrial development efforts that did not result in jobs for the local community. The governor expressed his determination to see the Shintech project go through. The St. James residents, unable to afford private legal counsel, sought the services of Tulane University's Environmental Law Clinic. On the other side, Shintech contributed millions of dollars in what could be seen as political payoff to political campaigns and prominent organizations in the community, including the gubernatorial campaign of then-Governor Mike Foster and the National Association for the Advancement of Colored People (NAACP).

The major battles against Shintech involved decisions by the Louisiana Department of Environmental Quality (LDEQ) on the granting of permits for the construction and operation of the PVC production facility, as well as the release of pollution to the air, water and land. The air permit allowed the annual release of 600,000 pounds of toxic chemicals into the air.¹⁶ The water permit allowed the dumping of 6.8 million gallons of wastewater from the proposed plant into the Mississippi River each year.¹⁷

In December of 1996, over 300 people attended the hearing to protest the building of the Shintech facility in this largely African American community in Convent.¹⁸ The response was so overwhelming that the regional office of the EPA (Region VI), recommended that LDEQ consider environmental justice concerns in their decision-making process.¹⁹ The suggestion, however, went unheeded and on May 23, 1997, LDEQ granted Shintech a Title V air permit.²⁰ For LDEQ, the issue of environmental justice was not relevant to the issuing of permits.²¹ As such, the agency did not expect the community's full-throated response to their decision. Citizens, with assistance from the Tulane University Environmental Law Clinic and Greenpeace attorney Monique Harden, filed a petition with the EPA requesting that the agency deny the issuance of the Title V operating permit based on the Environmental Justice Executive Order #12898 and requirements of the Clean Air Act.²² This was indeed a very bold, innovative, and untested legal strategy at the time.²³

The Shintech struggle reminded many Louisiana environmental justice communities of their own battles, bringing them out in force to support Convent citizens. Organizations representing communities like Norco, and Mossville (Lake Charles), and residents from White Castle, Alsen, Geismer, New Sarpy, and Agriculture Street Landfill area of New Orleans worked closely in support of Convent



Shintech would put its \$250 million plastic manufacturing plant on 300 acres, left, outside Plaquemine. The plant would hire 75 workers, compared with the 255 people who would have worked at Convent.

Site area and proximity to community

and St. James citizens. They sent letters and signed petitions on behalf of Convent and St. James citizens. It is important to note that all of these communities were members of the DSCEJ Mississippi River Avatar Community Advisory Board. These groups met with local, state, and federal officials around their own issues, while at the same time complained and protested the state's plans to expand the dangerous facilities along the chemical corridor in the face of their existing environmental nightmare. The approach was "how could LDEQ consider further endangering the lives of citizens along the Mississippi River" and "why always in black communities." The inclusion of local activist organizations such as the Louisiana Environmental Action (LEAN), Labor Neighbors and others, provided additional support in numbers and resources. Their addition gave Convent-based groups increased "foot soldiers" for protesting, engaging policymakers, speaking at rallies, showing up at key meetings, as well as the general ability to get their message out. Financial resources to support organizing activities and travel expenses for community representatives were made increasingly possible with the inclusion of these organizations.

The role of education and training for communities faced with environmental problems cannot be overstated. The Deep South Center for Environmental Justice played an important role in this effort, offering community-training workshops, and arranging for and supporting travel of SJCJE to other conferences around the country. Additionally, research and technical resources were provided to SJCJE by a number of EJ centers and universities, including the Environmental Justice Resource Center at Clark Atlanta University, Louisiana State University's School of Geography, and Hampton University's Environmental Equity Research Institute. These centers brought the voice of the people of Convent into the academic community.

Strong legal representation is an extremely necessary component of a community environmental struggle. The inclusion of well-resourced environmental organizations into the Convent struggle evened the playing field, equipping

this tiny Louisiana community with the capacity and access of an international organization, namely Greenpeace. The legal team of the Tulane University Environmental Law Clinic and Greenpeace was outstanding and, without this support, Shintech could have been located in Convent. However, the Convent struggle with Shintech showed us that it is not always a sufficient component alone to reach victory. Especially when faced with a hostile and sometimes corrupt state and local government, the legal arena can be an intense battlefield. Time after time we watched with horror the tactics used by our state governor to intimidate citizens. We also observed flagrant violations of the law by the LDEQ. Certainly, the law alone was not going to stop them from building Shintech in Convent. However, a never-ending supply of motivated student labor could support a very long struggle.

With the inclusion of Greenpeace, the battle began to rage as Greenpeace set in motion a national campaign against Shintech. It was Greenpeace's strategy to put the fight before the nation and so began the inclusion of: (1)

political allies such as the Congressional Black Caucus; (2) faith organizations such as the National Council of Churches and the Council of Black Churches (who represent some 16 million African American members); (3) national media coverage (T.V., radio, and the print media); and (4) entertainers such as Aaron Neville, Bonnie Raitt, Stevie Wonder, and Danny Glover, to name just a few. Their efforts made it possible, for example, for Convent leader Mrs. Emelda West to travel to Japan and meet with the Shintech parent company Shinetsu, Japanese officials, and environmental organizations to complain about Shintech's plan to come to Louisiana.

While the EPA was, and is, authorized to review the operating permits granted by a state, it is on rare occasion that the agency overrides a state's permitting decision.²⁴ In September 1997, the EPA agreed with one of the technical objections raised in the petition, which then required the re-opening of the Shintech air-permitting process.²⁵ Further review of the permit by the EPA revealed another forty-nine technical deficiencies in the application.²⁶ Nonetheless, the EPA denied the petitioners'

The Shintech struggle reminded many Louisiana environmental justice communities of their own battle, bringing them out in force to support Convent citizens.



Governor Mike Foster chastised and expressed disdain for the citizens of St. James Parish fighting to stop Shintech's siting in their community, describing the community's actions as hurting the economic growth of the Parish. With the victory over Shintech made possible with the help of Tulane University Environmental Law Clinic, the Clinic was subjected to unprecedented sanctions from the Louisiana Supreme Court for its assistance to the citizens of Convent and St. James Parish in their fight to stop Shintech. Governor Foster, the Louisiana Association of Business and Industry, and the Chamber of Commerce lobbied the Louisiana Supreme Court to place more restrictions on students practicing law and those seeking assistance. New guidelines created a community poverty level that had to be met by a certain percentage of the community asking for the clinic's help. The new amendments hampered the ability of the clinic to assist many clients truly in need of their help. For example, the clinic could only assist individuals with incomes of \$10,056 or less; or \$20,563 for a family of four.

Five factors can be identified as leading to the Shintech victory. The first and most important factor was citizen activists who became strong community leaders and organizers. The second was access to information and the capacity to understand the information provided; third, strong educational and technical support is an important component; fourth, a good legal team, the likes of which money cannot buy, is a necessary ingredient, in this case, it was with the assistance from Greenpeace and the Tulane Environmental Law Clinic; lastly, a "big brother" to level the playing field – that could be any large national organization with the resources and name recognition to stay in the battle for the long haul. ♦

environmental justice claims.²⁷

SJCJE also filed a civil rights complaint with the EPA, which charged the LDEQ with racial discrimination in permitting Shintech to release toxic pollution next to African American residents.²⁸ The complaint also alleged that the public comment and hearing process discriminated against minorities and that LDEQ was biased in favor of Shintech.²⁹ Many citizens felt that LDEQ was complicit in acts designed to ignore the negative impacts of company operational practices; while at the same time, assisting in the expansion of facilities that pollute the environment and threaten the health of Louisiana citizens. The Shintech battle reinforced the feeling of betrayal and lack of trust of the agency. LDEQ officials regularly accused environmentalist and citizens groups fighting against Shintech of ruining a great economic opportunity for a very poor area of the state by attempting to force Shintech out of Convent.³⁰ Contrarily, Convent was already home to at least eight chemical facilities and the residents of Convent were still very poor despite their presence. Having no salient response to this argument, the EPA made the decision to re-write the rules and have the federal Science Advisory Board Committee study the methodology used in the Agency's analysis for making permitting decisions. This process for studying the methodology was long and arduous and required peer-review. Utilizing this process effectively delayed their response. The Environmental Justice Office projected that they would not have an answer until the spring of 1998. The struggle with Shintech permitting went on for at least two years during which time the EPA attempted many different solutions that ranged from emission trading to reduce the overall emissions in the area, to mediation between the parties; all to no avail.

As contentious a battle as it was, Shintech's decision to abort its plan to locate in Convent was affected very quietly with no discussions or threats from either side. On September 17, 1998, Shintech officials announced that the company was backing out of the deal; instead, Shintech planed to build a smaller, \$250 million PVC plant in nearby Plaquemine. The decision was made before EPA could complete its scientific review of the permitting process and the agency was absolved from coming to a final decision regarding the permitting of the Shintech facility in Convent.



Staff from the Tulane Environmental Law Clinic and Staff from Earthjustice



1996 Convent is selected by Shintech as the location for a proposed PVC plant



SJCJE is formed by residents to mobilize against Shintech's proposal



SJCJE receives legal council from Tulane University and Earthjustice



DSCEJ offers educational workshops and trainings for the community



Inclusion of Greenpeace and a network of ally organizations



1998 SJCJE is victorious! Shintech aborts plans to build a plant in Convent

PROJECT WINS

Involvement of Greenpeace brought political allies, faith organizations, and supportive entertainers

Leader Ms. Emelda West meeting in Japan with Shintech

300+ Community Members attended Shintech protest

Support for collective action from fellow DSCEJ Louisiana environmental justice communities

Support from law professors and students at Tulane University's Environmental Law Clinic who formed a legal team with Greenpeace attorney Monique Harden

Public campaigns ran by residents and organizations to tell their stories

Courageous leaders & co-Founders of SJCJE, Mrs. Emelda West & Ms. Gloria Roberts

Inclusion of local activist organizations

Community-based participatory research

Shintech aborts plan to locate in Convent and backs out of deal.

National media campaign coverage

Involvement of national NGO's



THE STRUGGLE FOR HUMAN RIGHTS IN THE MOSSVILLE COMMUNITY

COMMUNITY ORGANIZATION:

Mossville Environmental Action Now (MEAN)

ENVIRONMENTAL PROBLEM:

Noxious fumes, booming noises, and health problems

SOURCE OF PROBLEM:

Industrial facilities operation in close proximity to community

POPULATION SIZE:

(Not Available)

RACE:

Predominantly African American

AVERAGE INCOME:

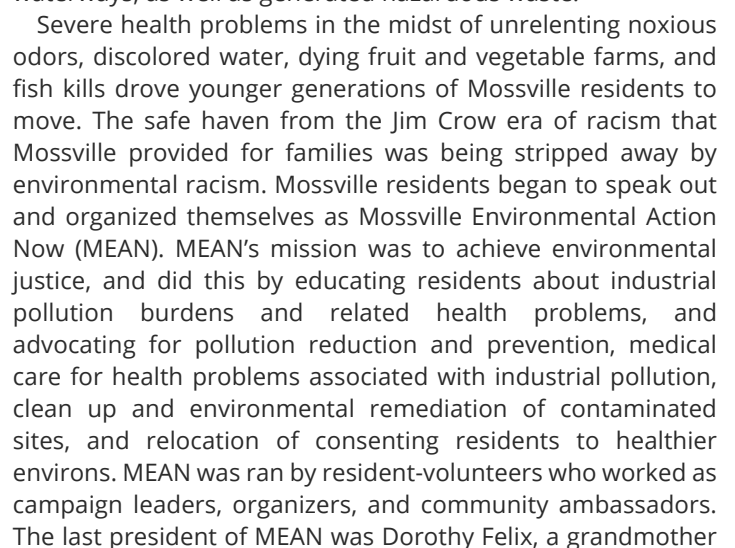
(Not Available)

OUTCOME:

MEAN's struggle for environmental justice included wins in federal and state court which prohibit permitting industrial facilities that release pollution in excess of air quality standards and require the EPA to set emission standards for polyvinyl chloride manufacturers. IACHR ruled that the Mossville human rights case was admissible on the grounds that for environmental racism in the United States is a human rights violation that currently has no legal remedy. This set an international precedent on the intersectionality of human rights, racial equality, and environmental protection.

Mossville is a historic African American community located in southwest Louisiana near the border with Texas, right between the exits for PPG Industries and Sulphur. It is roughly five square miles with a community of families who have lived together for generations since the 1790s. Mossville was founded and named by Black people emancipated from slavery prior to the Civil War. The founders of Mossville created a safe haven for African American families to live and prosper at a time in America when they faced enslavement, imprisonment, lynching, segregation, and other brutalities.

Mossville was part of a rich ecosystem of wetlands that fed residents. People in Mossville fished, hunted, and grew their own fruits and vegetables. Their livelihoods and cultural traditions were rooted in this ecosystem. Beginning in the 1950s, oil and chemical production in the Mossville area turned bayous and waterways into a sewer for toxic wastewater. The companies installed pipelines above Mossville roadways and below homes in complete disregard of the community. The extensive environmental damage caused by industrial companies led the U.S. Environmental Protection Agency to push for designating much of the 33 miles of the Calcasieu Estuary as a Superfund Site.³¹ A major impact on Mossville is hazardous industrial manufacturing. The community is surrounded by 14 polluting facilities and bounded by railroad tracks used by freight trains carrying toxic and flammable cargo.³² Due to decades of industrial operations that began in the 1950s, the bayous near Mossville became contaminated and the fish became unsafe to eat.³³ Residents were exposed to millions of pounds of toxic chemicals spewed into the air each year by the industrial plants. A health assessment conducted by the University of Texas Galveston Medical Branch in 1998 found that out of the more than one hundred Mossville residents surveyed, 99 percent suffered from at least one disease or illness associated with toxic chemical and



The U.S. Agency for Toxic Substances and Disease Registry (ATSDR) found that Mossville residents were exposed to a unique group of dioxin compounds and that the exposure was on average three times higher than the national comparison group.³⁹ Dioxins comprise the most toxic chemical compounds known to science, and can cause severe reproductive and developmental disorders as well as cancer.⁴⁰





Bottom: MEAN Health Fair in Mossville, 2010

who was a retired bank and loan officer, notary, and juvenile justice advocate before taking on leadership of the community organization.

MEAN laid bare the damage done by major industrial companies to their historic African American community. Mossville residents suffered the noxious fumes, booming noises, and increasing health problems that included headaches, nosebleeds, skin rashes, asthma, and other respiratory illnesses, reproductive disorders, and cancers. In its early years, MEAN built alliances with environmental justice and environmental organizations to educate residents about industrial pollution and hazards, including how to search and collect environmental data, organize health surveys, and conduct air and water monitoring. MEAN members participated in workshops and community advisory board meetings convened by the Deep South Center for Environmental Justice (DSCEJ). At these gatherings, Mossville residents could re-charge and develop new skills needed to protect their community. With the support of DSCEJ and other allied organizations, MEAN developed organizational capacity to recruit residents to serve as community ambassadors, review permits and industrial accident reports, and build relations with local media. MEAN members traveled outside of Mossville to confront agency officials on their lax enforcement. During the Clinton Administration, these confrontations were effective in compelling federal agencies to take enforcement actions against the industrial companies, scrutinize the Louisiana

Department of Environmental Quality (LDEQ), and launch a dioxin investigation.

At the MEAN Health Fair in Mossville in 2010, MEAN expanded its education focus to local physicians with the dream of establishing a community health clinic. MEAN collaborated with national public health organizations to hold professional education workshops for local doctors on the links between industrial pollution and health impacts. MEAN also pursued litigation as a strategy and won cases against the US EPA, LDEQ, and the United States Government. In later years, MEAN shifted its advocacy to human rights and sent members to the United Nations meetings in Geneva, Switzerland as part of a Louisiana environmental justice delegation that included DSCEJ. MEAN also organized international exchanges with environmental justice advocates in South Africa, and applied these learnings to defend their human right to a healthy and safe environment.

When Mossville residents learned about the health-damaging effects of exposure to dioxins they petitioned the US EPA to conduct tests in October 1998. The EPA responded by delegating the testing to the US Agency for Toxic Substances and Disease Registry (ATSDR), an agency established to address health concerns related to Superfund sites and other environmental health concerns. ATSDR got off to a rocky start by arriving in Mossville in December 1998 without notice to MEAN or anyone in the community and knocking doors to request blood samples. MEAN members immediately intervened and quickly set up a protocol that ATSDR followed to respect the people of Mossville. With MEAN's assistance, ATSDR collected blood samples from 28 residents to test for the presence of dioxin and dioxin-like compounds. However, when it was time for ATSDR to announce the test results in April 1999, the agency did not meet with any of the residents whose blood they tested. Instead, the agency met with industry and government representatives and held a press conference. At the press conference, ATSDR officials attempted to downplay the significance of the test results which showed average dioxin levels among Mossville residents were three times higher than ATSDR's national comparison group. MEAN and allied groups publicly condemned ATSDR for its failure to meet with tested residents and mislead the public.⁴²

The Louisiana Department of Health and Hospitals reacted hostilely to ATSDR, not because of the poor treatment of Mossville residents, but because one of the agency's dioxin reports indicated that nearby industrial facilities were likely responsible for exposing Mossville residents to dioxins.

The safe haven from the Jim Crow era of racism that Mossville provided for families was being stripped away by environmental racism.

As scientists came to the aid of MEAN in reviewing ATSDR's test results, ATSDR officials began to acknowledge the significance of dioxin exposures among Mossville residents. However, it was not until a federal regulation required industries to report their emissions of dioxin and dioxin-like compounds that one of the

scientists, Wilma Subra, was able to show a correlation. Her analysis is documented in the report prepared with MEAN and Advocates for Environmental Human Rights, *Industrial Sources of Dioxin Poisoning in Mossville, Louisiana: A Report Based on the Government's Own Data*. Instead of agency action on the science showing the link between dioxin exposures among Mossville residents and dioxin emissions by nearby industries, there was silence. Communities, in particular communities of color, suffering on the fence lines of polluting facilities and extractive industries were told that they need exposure data to trigger agency action. But this proved to be untrue in Mossville.

To their credit, the silence and inaction on the part of the EPA and ATSDR spurred MEAN to pursue support from the Inter- American Commission on Human Rights (IACHR). With attorneys at Advocates for Environmental Human Rights, MEAN brought the first legal case in 2010, charging the United States Government with human rights violations caused by its environmental permitting system. The DSCEJ and Concerned Citizens of Norco leader, Margie Richard, joined MEAN and AEHR in traveling to Washington, DC to file the human rights petition at the Organization of American States. Over the objections of the attorneys at the US Department of Justice and the State Department, the IACHR ruled that the Mossville human rights case was admissible on the grounds that environmental racism in the United States is a human rights violation that currently has no legal remedy. This set an international precedent on the intersectionality of human rights, racial equality, and environmental protection.

Soon after the IACHR ruling, the SASOL Corporation based

in South Africa planned the construction of a gas production facility in Mossville. SASOL was given economic incentives and other government concessions to buy-out Mossville residents. This buy-out mooted the Mossville human rights case. Although SASOL promised to meet the needs of Mossville residents, it set about an aggressive strategy that pushed desperate Mossville families to accept offers that were disadvantageous to them, but better than what they saw as the alternative of living in a shrinking community that would see more and more smokestacks and storage tanks. Some Mossville residents were able to negotiate better terms, but SASOL tacitly refused to extend these terms to other residents. As of 2016, more than 50 percent of residents had accepted the buy-out offers.⁴³

MEAN's fight for the people of Mossville has inspired other communities to stand up for their human rights. The East Dine Navajo tribe followed in MEAN's footsteps and filed their human rights petition at the IACHR against the government for human rights violation arising from permitting a uranium facility near their tribal land.⁴⁴ Flint, Michigan residents have also sought human rights remedies at the IACHR to hold the government accountable for contaminating their drinking water with lead.⁴⁵ MEAN's struggle for environmental justice has included wins in federal and state court. These wins prohibit permitting industrial facilities that release pollution in excess of air quality standards and require the EPA to set emission standards for polyvinyl chloride manufacturers.⁴⁶ The story of Mossville and the courageous work of MEAN continues to be told through documentaries⁴⁷ and books,⁴⁸ and learned by students of social justice and human rights law, policy, and ethics.⁴⁹ ♦



1950s Rise of industrial facilities cause unsafe conditions in Mossville



1998 Mossville petitions the US EPA to conduct tests for dioxin exposure



2005 Petition filed to the Inter-American Commission on Human Rights (IACHR) on behalf of Mossville residents charging the United States Government with human rights violations



2010 IACHR ruled that the Mossville human rights case was admissible, setting a precedent for other communities in the US to petition the IACHR for environmental justice struggles.

PROJECT

WINS

Wins in federal and state court

Community organization of MEAN

MEAN's wins require EPA to set emission standards

Mossville sets an international precedent on the intersectionality of human rights, racial equality, and environmental protection

Won case prohibiting permission of industrial facilities polluting in excess

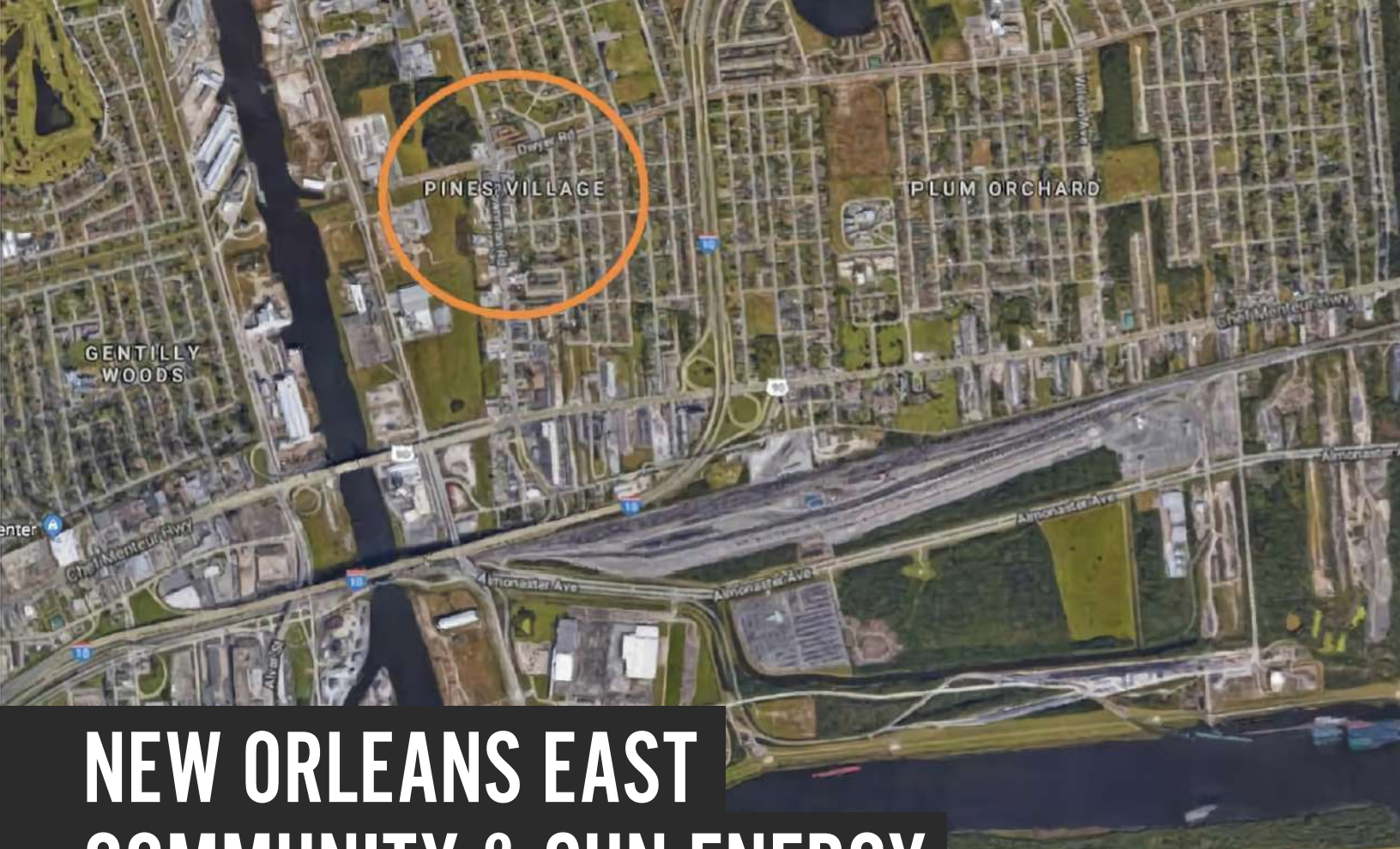
Residents learned how to search and collect environmental data, organize health surveys, and conduct air and water monitoring

Inspired other communities to stand up for themselves and mobilize

MEAN recruited community ambassadors

Educated residents about industrial pollution and hazards

Built alliances with environmental justice and environmental organizations



NEW ORLEANS EAST COMMUNITY & SUN ENERGY

COMMUNITY ORGANIZATION:

East New Orleans Neighborhood Advisory Commission (ENONAC)

ENVIRONMENTAL PROBLEM:

Proposed plasma arc facility

SOURCE OF PROBLEM:

Sun Energy Group, LLC.

POPULATION SIZE:

80,000

RACE:

African American Population: 59,379

Vietnamese American Population: 5,019

AVERAGE INCOME:

\$40,635

OUTCOME:

Sun Energy did not re-submit a permit to build and operate the facility as a result of ENONAC, DSCEJ, and other environmental experts working together to educate the community about its adverse health effects and environmental policies, and to organize the community to oppose the development of the plasma arc/gasification plant.

New Orleans East is located 15-20 miles outside of downtown New Orleans, east of the Industrial Canal and north of the Mississippi River Gulf Outlet. It was characterized by its diverse suburban development which offered nice, larger homes for the middle working-class population. Pre-Katrina, the neighborhood had a population of approximately 100,000 residents and several businesses and amenities; however, Hurricane Katrina drastically altered this community, like many others within the city limits of New Orleans. Following the devastation of Katrina, the population is taking years to rebound, with many families returning to rebuild the close-knit community they had been part of for more than 20 years. As of 2013, the population was approximately 80,000 residents. The population is predominantly African-American (59,379), but also has a Vietnamese population (5,019). The average family income of African American residents in this community is \$40,635. Over 18 percent of residents hold a Bachelor's degree in New Orleans East.⁵⁰

Nearly 90 percent of the homes in the area were damaged and needed to be rebuilt after Katrina. The area experienced massive flooding unlike anything in the history of the community. The widespread challenge of dealing with the debris and destruction from Katrina throughout New Orleans complicated redevelopment efforts. Additionally, the use of the Chef Menteur landfill after Katrina, in close proximity to an African-American and Vietnamese community, added to the environmental challenges of the New Orleans East community. After Katrina, the city re-opened the landfill to receive storm debris under an emergency executive order given by the Mayor. Because of

the lack of a proper landfill lining, material from the landfill seeped into the Bayou Sauvage National Wildlife Refuge area. Although the community organized and won the battle to close the landfill, the material still remains in the landfill today and contributes to environmental concerns for Bayou Sauvage.⁵¹

While several large businesses have left New Orleans East, including NASA and Capital One Financial Corporation, other companies, such as Folgers and the National Finance Center, remain committed to the area and provide jobs for the community. These remaining companies, however, cannot provide enough jobs for the residents, so the majority of the residents commute out of the area to work. Further, the quality of life has been drastically altered. Prior to Katrina, New Orleans East had five full-service grocery stores, two hospitals, and many retail options; post-Katrina, two grocery stores and one hospital remain, and limited retail options to serve 80,000 people.

In 2009, the Sun Energy Group submitted a proposal to the City of New Orleans to develop a plasma arc waste-to-energy gasification facility in the New Orleans East community. The proposed location would have been a half-mile from a predominately residential African American community. The proposal outlined that the facility would burn 2,500 tons of trash per day, with nearly 300 trucks per day delivering waste material to and from the facility. The company claimed that 114 megawatts of energy could be produced and the business would result in 400-600 construction jobs and nearly 100 full-time positions over time. However, the small percentage of materials left over after maximum reuse, called residuals, are often toxic, complex, and have low energy value.⁵² Additionally, the community was concerned about the emissions from a 200-foot stack at the proposed facility and the unknowns of the technology and potential effects of the process on public health and the environment. Studies have shown dioxins are created in plasma and gasification incinerators. Adding more dioxin and other toxic contaminants, criteria pollutants, and particulates into New Orleans' already polluted air is a threat to public health and the environment. Dioxins are among the most toxic pollutants known to science, with no safe levels of exposure, and are dangerous to human health at any level, even the smallest possible dose.⁵³

Sun Energy's proposed plan would have generated 17 trucks per hour, 16 hours per day, seven days a week delivering waste to the plant from 8 different parishes (counties). The large-scale truck traffic associated with the proposed plant would



Thermoselect Gasification Incinerator

also add toxic diesel exhaust containing carcinogens and particulates into the air. Residents were also concerned that Sun Energy didn't have a hurricane emergency plan in place in case of an evacuation. Further, a plasma arc facility treating large amounts of garbage would undermine real recycling, zero waste, and renewable energy programs that are vital to the health, environment, and economic well-being of New Orleans. Residents were concerned that the proposed Sun Energy site could negatively impact the economic recovery of New Orleans East, Lower Ninth Ward, and Gentilly.

In addition to the environmental and health effects, plasma arc technology can cost 50 percent more than traditional mass burn incineration. According to Neil Seldman of the Institute for Local Self-Reliance, if the city were to commit its garbage to the plant, it could cost \$100 per ton, or \$2.5 million per day and \$750 million annually. At the time, it was impossible to know the exact cost because there was no commercially scaled operating plasma arc plant in the world. In the US, several jurisdictions had canceled consideration of this type of plant because of the extraordinary cost.

When the developer first submitted the proposal to the city in the spring of 2009, the New Orleans East community was surprised to learn of the proposal and permitting process. The community did not have any opportunity to provide input into the process. The community quickly became engaged, mobilizing 40 organized neighborhood associations, raising concerns, and asking questions to both the developer and the city government. The community sought the professional advice of the Deep South Center for Environmental Justice (DSCEJ) to provide additional research and leadership on the topic.

DSCEJ collaborated with Greenaction for Health and Environmental Justice and the Institute for Local Self-Reliance to conduct significant research about plasma arc/gasification and the potential risks of this type of development project. DSCEJ provided two community trainings about plasma arc/gasification and distributed fact sheets to raise awareness about the technology, adverse health effects, and economic impacts of the proposed project.

DSCEJ also worked with the East New Orleans Neighborhood

The community rallied together again, wrote a sign-on letter to the newly elected mayor, and met with the newly elected city council members and mayor to educate them about the potential adverse environmental and health effects of plasma arc/gasification.

Advisory Commission (ENONAC) and allies in developing strategies to prevent a plasma arc/gasification plant from being built in New Orleans. ENONAC was created in 2006 after Hurricane Katrina and is comprised of approximately 30 different subdivisions, each represented by their respective president or designee. DSCEJ supported ENONAC in the capacity development of its members, along with other organizations and community leaders; hosted conference calls with community leaders to help raise awareness of possible dangers of plasma arc technology; convened three community trainings to inform residents of the short and long term adverse health and safety impacts of plasma arc technology; and met with city leaders including the Office of Coastal and Environmental Affairs and the Sanitation Department to discuss a zero-waste management plan for New Orleans. Additionally, a New Orleans East resident represented ENONAC by testifying before the Louisiana Public Service Commission (LPSC) Hearing on the Renewable Portfolio Standard, and residents and environmental technical experts attended the City Planning Commission meeting. ENONAC also wrote a sign-on letter to newly elected Mayor Mitch Landrieu and copied several other pertinent departments, offices, boards, and commissions.

As the New Orleans East community became more educated on the topic, it was clear that they did not want the potentially polluting facility in their community. After Katrina, the community saw the adverse effects of increased truck traffic disposing waste from the storm, which included: damaged roads from the increased truck traffic, falling debris from trucks, and diesel fuel emissions leading to air quality concerns throughout the New Orleans metro area. As a community that was trying to recover from the mass destruction of Hurricane Katrina, it was clear that this development project would not improve the quality of life for New Orleans East.

While the community won an early battle that resulted in the developer removing their initial permit, New Orleans East residents found themselves in the same position in November 2010 when the developer took advantage of the change in the political climate to submit the permit and proposal a second time. The community rallied together again, wrote a sign-on letter to the newly elected mayor, and met with the newly elected city council members and mayor to educate them about the potential adverse environmental and health effects of plasma arc/gasification.

The final report for Green NOLA: A Strategy for a Sustainable Task Force recommended re-establishing city-wide recycling within the first six months of the new administration; and NOLA Recycles 2010 Taskforce made recommendations to re-

establish recycling, provide safe disposal options for household hazardous waste, and require the recycling of construction and demolition waste in city projects.⁵⁴ Further, research done by the Institute for Local Self-Reliance showed that for every 15,000 tons of solid waste going to a landfill each year, one job is created, whereas the same amount of solid waste recycled creates nine jobs in sorting and preparing the materials for markets. Value is added to the local economy when recovered materials are made into finished products.⁵⁵

DSCEJ and ENONAC recommended re-establishing recycling, composting and waste prevention as a solution to the New Orleans waste management problem, as well as an opportunity to create more jobs. Nearly 90 percent of what is currently disposed into landfills and incinerators is readily recyclable or compostable material, including paper, paperboard, food scraps, yard waste, plastics, metals, glass, and wood.⁵⁶

Dr. Beverly Wright served as co-chair of the Sustainable Energy and Environmental Task Force of Honorable Mayor-elect Mitch Landrieu's Transition New Orleans Team in 2010. The final report of the Sustainable Energy and Environmental Task Force recommended that in the first 100 days, Mayor Landrieu's office was to devise an environmental justice ordinance that would provide environmental protection for New Orleans residents living in vulnerable communities that bear the environmental burden of industrial siting and landfills. The purpose of the Environmental Justice Ordinance was to provide environmental protection to all citizens of New Orleans by ensuring that proposed projects would not have air pollution, water pollution, or soil contamination, and prevent the cumulative adverse impact on the communities. The goal of fair treatment was not to shift risks among populations, but to identify potential disproportionately high and adverse effects and identify alternatives that may mitigate these impacts. As such, and in keeping with the intent of the National Environmental Policy Act (planning and projects, public and private) for the recovery and rebuilding of New Orleans require assessment of environmental justice in the proposed community.

The New Orleans Environmental Justice Ordinance was one of many determining factors that helped prevent the development of the gasification plant in New Orleans East. Sun Energy did not re-submit a permit to build and operate the facility as a result of ENONAC, DSCEJ, and other environmental experts working together to educate the community about its adverse health effects and environmental policies, and to organize the community to oppose the development of the plasma arc/gasification plant. ♦



2006 ENONAC is created after Hurricane Katrina



2009 Sun Energy submits a proposal to build a plasma arc facility



2009 The community mobilizes and reaches out to DSCEJ



2010 The Sustainable Energy and Environmental Task Force recommends an environmental justice



2010 New Orleans Environmental Justice Ordinance is created

PROJECT WINS

Collaborated with Greenaction for Health and Environmental Justice and the Institute for Local Self-Reliance to conduct research

Hosted conference calls, convened community trainings, and met with city leaders to discuss environment plan

Sun Energy does not re-submit to build facility

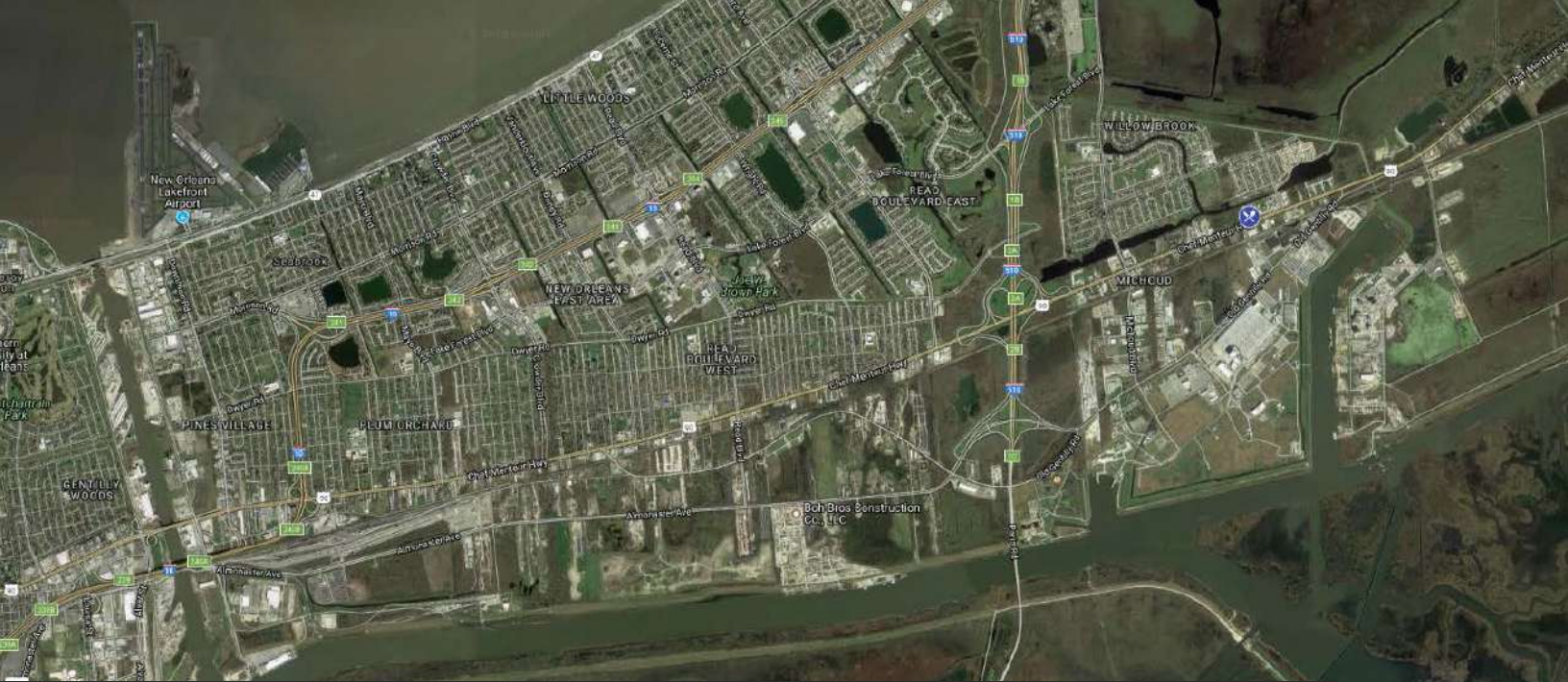
DSCEJ supported ENONAC in capacity development of its members along with other organizations and community leaders

Implemented Environmental Justice Ordinance prevents development of plant in New Orleans East

Creation of New Orleans Environmental Justice Ordinance

Community rallied to prevent development twice in a row

Dr. Beverly Wright served as co-chair of the Sustainable Energy and Environmental Task Force



NEW ORLEANS EAST COMMUNITY & THE PROPOSED ENTERGY GAS PLANT

COMMUNITY ORGANIZATION:

East New Orleans Neighborhood Advisory Commission (ENONAC)

ENVIRONMENTAL PROBLEM:

Three proposal submissions that would allow development on wetlands used to protect wildlife and citizens from environmental impacts.

SOURCE OF PROBLEM:

Entergy New Orleans, LLC Gas Plant Proposal, Port of New Orleans Industrial Development, and City Council Motion to Expand Industrial Development

POPULATION SIZE:

80,000

RACE:

84% African American

8% Vietnamese American

AVERAGE INCOME:

\$36,964

OUTCOME:

East New Orleans Neighborhood Advisory Commission successfully blocking the City Council proposal to introduce industrial development into the interior of New Orleans East, as well as raising public outcry and national media attention about the Entergy gas plant proposal and the Port of New Orleans industrial development proposals.

HISTORY

New Orleans East was planned as “a model city”⁵⁷ and historically promoted by developers as a “short drive from downtown New Orleans”⁵⁸ along the bridges that traverse the Industrial Canal. Notwithstanding the large-scale development, New Orleans East retains more than 54,000 acres of natural wetlands, which represent 97 percent of the total acreage of wetlands in the city.⁵⁹ These wetlands serve vital functions for stormwater management and hurricane storm surge protection, as well as habitat for indigenous species.⁶⁰ Prior to Hurricane Katrina, New Orleans East residents maintained a higher income and achieved higher levels of education than New Orleans as a whole, which currently has an average income of \$36,964. Local business groups branded New Orleans East as a place of opportunity and a good place to live and work.⁶¹ The development of New Orleans East was promoted as a city expansion in 1959 with a majority white residential population.⁶² With the end of the Jim Crow era of racial apartheid in the South and the freedoms ushered in for the predominantly African American city of New Orleans, white residents joined the phenomenon known as “white flight” and began moving out of the city. Their exit did not affect the total population of New Orleans East, which continued to climb as African American families moved in. By the 1970s, some Vietnamese refugees made their new home in New Orleans East.

While New Orleans faced significant socio-economic and population declines with the move of major oil and gas corporations to Houston in the 1970s, New Orleans East bucked the trend. Instead of losing residents, New Orleans East gained residents to comprise 20 percent of the city’s total population by 2000.⁶³ With a population at this time of nearly 100,000 and nearly 70 percent of the land in New Orleans,

New Orleans East could have incorporated as its own city that would have been one of the largest in Louisiana in terms of population.

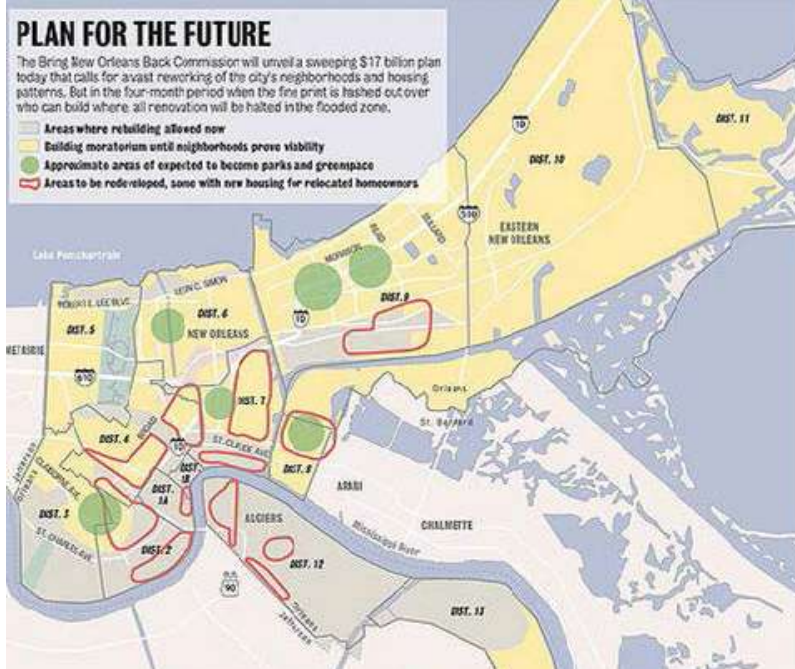
POST-KATRINA CHANGES

In 2005, levee failures during Hurricane Katrina put New Orleans East under water. People died, and others suffered property damage as well as prolonged displacement lasting several months to years. Exacerbating the tragedy was the inequity residents faced when they returned. Even with population displacement, the community still holds 20 percent of the city population.

Post-Katrina, New Orleans East was targeted for restricted rebuilding of homes and neighborhoods in a highly controversial proposal by city officials. This proposal was known as the “Green Dot Map”⁶⁴ which featured two green dots on New Orleans East and single green dots on other neighborhoods indicating that each of these neighborhoods would not be rebuilt. Additionally, the map colored all of New Orleans East in yellow to indicate a building moratorium would be imposed until the community proved its viability. Although proponents of the plan claimed the yellow areas on the map represented the location of flooding that damaged homes and other buildings, it was also a fact that these areas were predominantly African American neighborhoods. The mostly white inhabited neighborhoods in New Orleans were not affected by the Green Dot Map, which colored these neighborhoods in gray to indicate where rebuilding would be allowed. New Orleans residents protested the Green Dot Map and other plans to restrict who could rebuild and where. In response to the backlash against the Green Dot Map, the New Orleans city government declined to officially adopt it. However, New Orleans East had been largely cut off from the rebuilding investments made in other parts of New Orleans, some of which sustained little or no hurricane damage.

Housing experts have defined the post-Katrina housing policy as a “re-segregation” of New Orleans.⁶⁵ One of the most egregious actions after Hurricane Katrina was demolishing public housing developments, not because of any storm damage, but to implement pro-developer policies. New Orleans residents in need of subsidized housing were cast out of their homes by the United States Department of Housing and Urban Development (HUD) with the support of the local government.⁶⁶ The average percentage of residents living in poverty in New Orleans is 25.7 percent — more than the national average of 14.3 percent. In New Orleans East, poverty is further concentrated, with more than 40 percent of residents living in poverty. Some residents organized their own rebuilding projects that included the Safe Way Back Home, a joint initiative by the Deep South Center for Environmental Justice (DSCEJ) and the United Steelworkers. This collaboration involved removing contaminated soil from the yards of New Orleans East homes to spur residents to return home and rebuild.

In the aftermath of Hurricane Katrina, the East New Orleans Neighborhood Advisory Commission (ENONAC) was born out of the struggle for equitable disaster rebuilding and recovery. In 2009 New Orleans East residents gained the support of state lawmakers who passed legislation creating ENONAC for the



Plan Shrinks City Footprint, THE TIMES-PICAYUNE, December 14, 2005.

purpose of advising governmental bodies on matters affecting New Orleans East, including rebuilding plans, land use, and zoning.⁶⁷ Building upon this history of organizing success, ENONAC and the DSCEJ joined forces with the New Orleans East community in 2016 to mobilize against three proposals for New Orleans East. If implemented, these proposals would essentially abort the original plan for a “model city” and instead would industrialize wetlands and areas next to neighborhoods without regard for the health and safety of New Orleans East residents or the need for flood protection in the city. The proposals for expanding industrial development would only exacerbate the adverse health and environmental impacts on New Orleans East. Most significantly, a gas plant by Entergy New Orleans was proposed, as well as a proposal by the Port of New Orleans plans for industrial development, and a City Council motion to expand industrial development.

ENTERGY NEW ORLEANS GAS PLANT PROPOSAL

All power plants operated by Entergy in Louisiana are located in close geographic proximity to African American communities.⁶⁸ In June 2016, Entergy New Orleans submitted a 134-page application to the New Orleans City Council for approval to build a new gas plant that would be paid for by New Orleans residents and businesses. The proposed gas plant is within a mile of New Orleans East residents on the site of a decommissioned Entergy power plant known as the Michoud site, and has a perimeter that is approximately one mile from homes and two schools in New Orleans East.

Entergy sought air pollution permits from the Louisiana Department of Environmental Quality (LDEQ) that would allow pollution spikes from the 800 instances of start-ups and shut-downs during each year of operation. The proposed gas plant would annually release more than one million pounds of particulate matter and other harmful air pollution that are known to cause severe health problems. The gas plant would also release nearly one billion pounds of greenhouse gas emissions that contribute to climate change in a city that is

vulnerable to the effects of a warming planet. The gas plant would also resume the withdrawal of groundwater that, according to a NASA Jet Propulsion Laboratory report, caused the rate of natural land subsidence to speed up and was linked to impairing a floodwall that was breached during Hurricane Katrina.⁶⁹

In the post-Katrina rebuilding, New Orleans East homeowners took advantage of state tax incentives for rooftop solar energy. As a result, the community is the largest contributor to New Orleans being ranked in the top 20 of U.S. cities with the largest solar energy capacity.⁷⁰ However, plans by Entergy to build a new gas plant in New Orleans East ran counter to these efforts. The fact that residents were disregarded by the utility company was a source of outrage and recognized as an injustice.⁷¹ The tactics used by Entergy to ignore residents had the opposite effect, compelling residents to make their voices heard to decision-makers.⁷² DSCEJ conducted research on the proposed Entergy gas plant and analyzed the impacts it would have on the New Orleans East community. DSCEJ shared its research with the leaders of ENONAC and VAYLA-New Orleans, a community-based organization in New Orleans, and notified them of a rapidly upcoming public hearing before the City Council. A cadre of Entergy representatives and staff from the City Council attended this meeting. One Entergy representative argued with DSCEJ's staff, but could not refute their information. No one from Entergy or the City Council explained why they did not hold any community meetings with New Orleans residents. As a result of the community meeting, New Orleans East residents were able to share the information and participate in the public hearing.

Following the public hearing, ENONAC convened a regular community meeting in which DSCEJ staff and Entergy representatives presented information on the proposed gas plant. DSCEJ distributed updated fact sheets and delivered a presentation to visualize its research and analysis on the

harmful effects that the Entergy gas plant would have on New Orleans East, which included toxic air pollution, flood risks, and the lack of justification for the gas plant. Entergy representatives did not provide or present any written materials about the gas plant. Residents questioned Entergy on the need for a gas plant, expressed their concerns about the effects of gas plant pollution, and demanded the company invest in solar energy and energy efficiency as alternatives to the gas plant. ENONAC members decided to pass a resolution to not support the proposed Entergy gas plant. VAYLA-New Orleans, a progressive multi-racial community-based organization in New Orleans that empowers youth and families, joined the resolution. The groups garnered support from environmental organizations and other neighborhood groups. DSCEJ convened the Future of Entergy in New Orleans Public Forum in December 2016. City

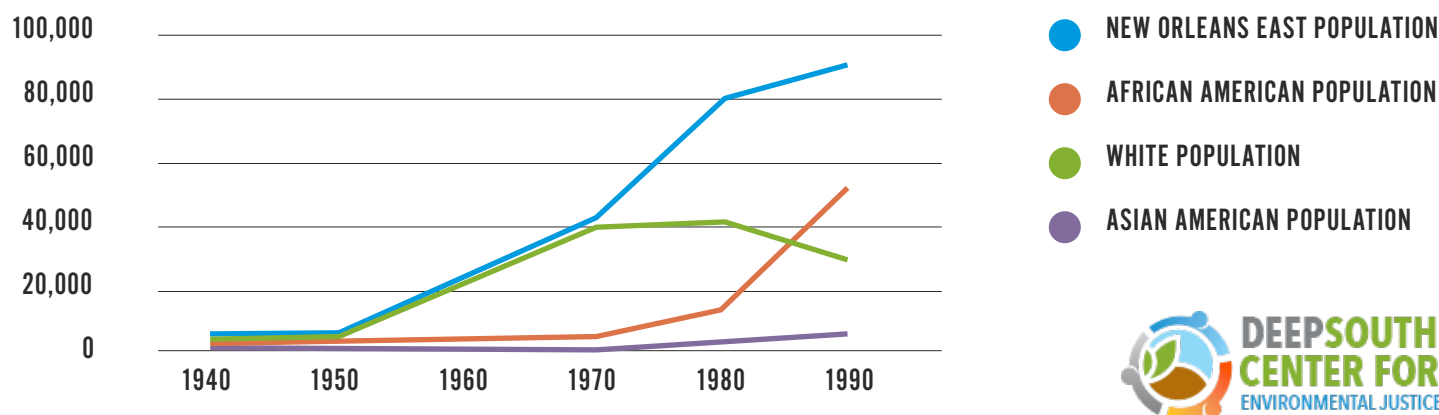
Council President Jason Williams participated in this forum, which focused on the importance of residents shaping an energy future for New Orleans that is equitable, safe, healthy, affordable, and economically viable. These beginning efforts of community meetings and

These beginning efforts of community meetings and public forums served as the foundation for what has become a two-year campaign that is ongoing and continues to gain diverse support.

public forums served as the foundation for what has become a two-year campaign that is ongoing and continues to gain diverse support.⁷³ Public rallies, marches, online petitions to City Council members, submission of written and verbal comments to the City Council and environmental regulatory agencies, as well as lawsuits have all been brought to bear by residents opposed to the gas plant. There was even a local news organization that exposed tactics used by Entergy to secretly pay for fake support of the gas plant that included hiring professional actors.⁷⁴ This was an extraordinary revelation that was reported in national and international news media. Entergy is now under the subject of an independent investigation called for by the City Council.

DSCEJ and partner organizations have brought two lawsuits against the City Council to: (1) appeal its March 8, 2018 decision to approve the gas plant; and (2) enforce the Open Meetings

NEW ORLEANS EAST POPULATION 1940-1990 US CENSUS



Law as a result of New Orleans residents being shut out of two public meetings in which Councilmembers voted for the gas plant. These lawsuits are currently pending in Orleans Parish Civil District Court.

PORT OF NEW ORLEANS INDUSTRIAL DEVELOPMENT PROPOSAL

In January 2018, the Port of New Orleans (Port) was ramping up its proposal to City Council to approve a change to the City of New Orleans Master Plan—the framework for land use in New Orleans—that would remove development restrictions on 281 acres of natural wetlands in New Orleans East, allowing for industrial development on these lands. The Port's plan would subject neighborhoods to industrial pollution, odors, and nuisance as well as destroy hundreds of acres of wetlands that are vital protection from hurricane storm surge and flood protection.

The Port sought to change this framework to allow industrial development on natural wetlands in New Orleans East,⁷⁵ called the Aurora site, which is located to the east of the Entergy Michoud site, and the Paris site located to the South. Both sites are natural wetlands and located within two miles of neighborhoods. Port representatives conceded that there was no meaningful or effective participation of New Orleans East residents in its plan. The Port also made clear their intention to sue the city if it denied their request for industrial development on undeveloped wetlands.

CITY COUNCIL MOTION TO EXPAND INDUSTRIAL DEVELOPMENT

In addition to the Port of New Orleans proposal, in January 2018, the City Council was considering a motion to change land use by then-Councilmember James A. Gray, representing New Orleans East. Before leaving office, Councilmember Gray, District E, wanted to change business parks to industrial areas, but only in New Orleans East. This would allow harmful industries to locate next to homes and schools in neighborhoods that include Sherwood Forest, Castle Manor, Village de l'Est, Lake Catherine, Donna Villa, and Adams Court. This plan unfairly singles out New Orleans East for unequal treatment. The proposal was to change the city ordinance on land use to allow light industrial development of interior areas in New Orleans East, including undeveloped wetlands and business parks next to homes, schools, and churches. This motion would expand industrial development beyond the industrial area abutting the Intracoastal Gulf Waterway. The language in the motion

emphasized that the proposed change to city law would only apply to New Orleans East, and not affect business park uses in the rest of the city.⁷⁶ Councilmember Gray did not notify constituents of his motion to expand industrial development in New Orleans East nor did he solicit their input. This motion would also subject neighborhoods to further pollution, nuisances, and the destruction of wetlands.

CONCLUSION AND OUTCOMES

The positive socio-economic conditions in New Orleans East that were heralded before Hurricane Katrina are now declining as a result of detrimental city government policies and decisions that not only concentrate poverty in New Orleans East, but are also supportive of permit applications for toxic industries and liquor licenses in the community. ENONAC and its allies shouldered the work of engaging local governmental officials and educating residents to improve socio-economic conditions.

In particular, ENONAC successfully blocked the city council proposal to introduce industrial development into the interior of New Orleans East. This was accomplished by (1) retaining a land use and zoning expert, (2) educating New Orleans East residents on the proposal by creating a visual at-a-glance info map, (3) discussing concerns with the Councilmember who introduced the proposal, (4) gaining a wetlands preservation advocacy group as a new ally to help educate Councilmembers on the monetary value of wetlands targeted for industrial development in New Orleans East, particularly at a time when the city is experimenting, at great expense, with man-made projects to provide the functions of wetlands for flood-prone neighborhoods in other parts of the city that do not have natural wetlands, and (5) bringing community members and experts together to effectively persuade the majority of the City Council to not vote in favor of the proposal.

With regards to the proposal by the Port of New Orleans, residents of New Orleans East and allied organizations will need to remain vigilant on proposed industrial projects sited on the undeveloped wetland areas. Each project would require a series of governmental reviews that involve public participation in the decision-making process.

Finally, there is not yet an outcome of the proposed Entergy gas plant. The original grounds for opposition presented in the DSCEJ fact sheet have only magnified with national media attention and public outrage over the corporation's with "outrageous use of paid actors to create sham support for the gas plant in an attempt to undermine public participation in a democratic process. It is very likely that the outcome will be decided by the courts.♦



2005 Levee failures during Hurricane Katrina put New Orleans East underwater



2016 Entergy submits a proposal to build a new gas plant



2016 DSCEJ joins ENONAC to mobilize against the proposed plant



2018 Port of New Orleans and the City Council submit development proposals to expand industrial development



2018 DSCEJ and partner organizations bring two lawsuits challenging the City Council

	Proposed Entergy Gas Plant	Port of New Orleans' Industrial Development	City Council Motion to Expand Industrial Development
Company name	Entergy New Orleans (ENO)	Port of New Orleans (Port)	Unknown
Known history of operations	In 2004, ENO obtained its first air pollution permit from the Louisiana Department of Environmental Quality (LDEQ) without an assessment of the impacts the power plant has on nearby neighborhoods, which was in violation of state laws. All power plants operated by Entergy companies in Louisiana are located in close geographic proximity to African American communities.	The Port owns blighted property that are a nuisance to residents in the Lower Ninth Ward.	Light industrial development in New Orleans, such as auto salvage yards, create a nuisance for surrounding neighborhoods.
Site area and proximity to the community and other communities	The site is known as the Michoud site. The perimeter is approximately one mile from homes and two schools in New Orleans East.	The Aurora site is located to the east of the Entergy Michoud site and the Paris site is located to the south of it. Both sites are natural wetlands located within two miles of neighborhoods.	Wetlands and business park areas along Chef Menteur Highway that are located next to neighborhoods.
Relevant governmental regulations and agency decision-makers	New Orleans City Council regulates Entergy. Environmental regulations – LDEQ & US Army Corps of Engineers (USACE).	Zoning regulations - City Planning Commission & City Council. Potential environmental regulations – USACE & LDEQ.	Zoning regulations - City Planning Commission & City Council. Potential environmental regulations – USACE & LDEQ.

PROJECT WINS	Educated Councilmembers on the monetary value of wetlands		Educated New Orleans East residents on the proposal
	Raised public outcry and national media attention about Entergy and Port proposals	Successfully blocked City Council proposal to introduce industrial development	Gained wetlands preservation advocacy group ally

APPENDIX

SUPPORTING ORGANIZATIONS

ADVOCATES FOR ENVIRONMENTAL HUMAN RIGHTS is a nonprofit law firm that provides a full range of litigation and advocacy services to communities suffering from environmental degradation.

ALLIANCE FOR AFFORDABLE ENERGY collaborates with the Eastern New Orleans Neighborhood Advisory Commission (ENONAC) to foster equitable and sustainable energy policies in New Orleans.

CITIZENS AGAINST WIDENING THE INDUSTRIAL CANAL (CAWIC) is a non-profit organization based in the Holy Cross/Lower Ninth Ward communities dedicated to stopping the Port of New Orleans and US Army Corps of Engineers from constructing the economically indefensible and environmentally destructive replacement lock in the Industrial Canal.

COMING CLEAN NETWORK was founded in 2001 by environmental health and justice organizers to unite themselves and work together for a more holistic and effective approach to protecting health and safety from toxic trespass. The mission of the Coming Clean Network is to reform the industrial chemical and fossil fuels industries, so they are no longer a source of harm, and to secure systemic changes that allow a safe chemical and clean energy economy to flourish.

COMMONWEAL started four decades ago with a core commitment to the health and well-being of children with learning and behavior disorders. Commonwealth worked with young people incarcerated in California juvenile halls, youth prisons, and other institutions. The Commonwealth Juvenile Justice Program is among the foremost advocacy programs for young people in California, who are overwhelmingly children of color from low-income communities. The Commonwealth Biomonitoring Resource Center works extensively with low-income communities exposed to high levels of toxic chemicals.

CONCERNED CITIZENS OF NORCO: Margie Richard founded Concerned Citizens of Norco with her family and neighbors in the Diamond community of Norco, Louisiana. Concerned Citizens of Norco worked to bring national and international attention to Louisiana's Cancer Alley and their fight for environmental justice, human rights, and community relocation away from the toxic and hazardous Shell chemical facility, which operated across the street from their homes.

CORPWATCH works to promote environmental, social, and human rights at the local, national, and global levels by holding multinational corporations accountable for their actions. CorpWatch employs investigative research and journalism to provide critical information on corporate malfeasance and profiteering around the world to foster a more informed public and an effective democracy.

DEEP SOUTH CENTER FOR ENVIRONMENTAL JUSTICE (DSCEJ) was founded in 1992 in collaboration with community environmental groups and universities within the Southern region to address issues of environmental justice. DSCEJ is dedicated to improving the lives of children and families harmed by pollution and vulnerable to climate change in the Gulf Coast Region by providing research and education, community and student engagement for policy change, as well as health and safety training for environmental careers. DSCEJ has deep roots in the New Orleans East and recently opened its office in the community. DSCEJ conducts research and educates ENONAC members and residents on a wide array of environmental matters and supports their efforts to engage and educate policymakers on sustainable solutions.

EARTHJUSTICE (NEW ORLEANS, LA OFFICE) is a national environmental law firm that pursues three key goals to secure a just, flourishing world: wildlife and natural spaces, healthy communities, clean energy and health climate. Following the success of the Diamond community relocation, Earthjustice closed its New Orleans office.

EASTERN NEW ORLEANS NEIGHBORHOOD ADVISORY COMMISSION (ENONAC) is comprised of 44 neighborhood associations. The commission seeks to aid the community in managing the inevitable growth of New Orleans East, promoting homeownership as well as attracting a state of the art hospital and healthcare, quality retail and amenities, while serving the goal of sustaining an increase of property values and preserving the quality of life and the natural resources of the New Orleans East Community.

ENVIRONMENTAL HEALTH FUND was founded in October 1998 as a coordinating and fundraising organization dedicated to protecting public health against the introduction and proliferation of toxic chemicals in the global environment.

GREENACTION FOR HEALTH AND ENVIRONMENTAL JUSTICE is a multiracial grassroots organization that works with low-income and working class urban, rural, and indigenous communities to fight environmental racism and injustice and build a clean, healthy and just future for all. Greenaction mobilize community

power to win victories that change government and corporate policies and practices to protect health and to promote environmental, social, and economic justice.

GREENPEACE is a global, independent campaigning organization that uses peaceful protest and creative communication to expose global environmental problems and promote solutions that are essential to a green and peaceful future.

GULF RESTORATION NETWORK collaborates with ENONAC in efforts to preserve wetlands and analyze flood risks in the community.

INSTITUTE FOR LOCAL SELF-RELIANCE (ILSR) has worked to promote an equitable, sustainable, democratic, and prosperous future from the bottom up. We call this vision local self-reliance. For ILSR, local self-reliance does not mean self-sufficiency. Even nations are not self-sufficient. But they are self-conscious and self-governing and capable of tracking and influencing the flow of resources through their borders. Local self-reliance is achieved by addressing problems holistically and maximizing the value from local resources – human, natural and financial.

LOUISIANA BUCKET BRIGADE uses grassroots action to create an informed and healthy society that holds the petrochemical industry and government accountable for the true costs of pollution.

LOUISIANA ENVIRONMENTAL ACTION NETWORK (LEAN) is a community based not-for-profit organization that has been working since 1986 to resolve the unique environmental struggles present in Louisiana. Through education, empowerment, advocacy, and support; LEAN provides the necessary tools and services to individuals and communities facing environmental problems—problems that often threaten their health, safety, and quality of life.

MICAH PROJECT is a faith-based organization established in 2007 by clergy who wanted to see real change in their communities. Micah works with its 16-member congregations to create innovative solutions to the plethora of problems faced by those living in the Greater New Orleans area. Micah is a member of the PICO National Network, an organization whose mission is to provide families and grassroots leaders with a voice in the decisions that shape their lives and communities, and of PICO Louisiana, PICO's state-wide chapter. Micah is a non-partisan, non-denominational, multiracial, multicultural collective of clergy and congregations that are united together for a common good.

MOSSVILLE ENVIRONMENTAL ACTION NOW (MEAN) is a community-based organization that was founded to achieve environmental justice. Members of MEAN were residents of Mossville, Louisiana, a historic African American community in southwest Louisiana surrounded by 14 hazardous industrial facilities.

NATIONAL BLACK ENVIRONMENTAL JUSTICE NETWORK (NBEJN) is a national preventive health and environmental/economic justice network with affiliates in 33 states and the District of Columbia. NBEJN members include some of the nation's

leading African American grassroots environmental justice activists, community organizers, researchers, lawyers, public health specialists, technical experts, and authors addressing the intersection of public health, environmental hazards, and economic development within Black communities. NBEJN was formed in December 1999 during an emergency gathering of African American leaders. NBEJN came together in New Orleans, Louisiana to map out strategies to address environmental and health disparities in the African American community.

NATIONAL ENVIRONMENTAL JUSTICE ADVISORY COUNCIL (NEJAC) is a federal advisory committee to the Environmental Protection Agency (EPA) and was established September 30, 1993. The Council provides advice and recommendations about broad, cross-cutting issues related to environmental justice, from all stakeholders involved in the environmental justice dialogue. In addition, the NEJAC provides a valuable forum for discussions about integrating environmental justice with other EPA priorities and initiatives.

NATIONAL WILDLIFE FEDERATION (BATON ROUGE, LA OFFICE) was founded more than 50 years and works to protect and build upon a heritage of conservation for the sake of wildlife, people, and future generations.

PONTILLY SUBDIVISION: The vision for the recovery of the greater Pontilly area is one of a safe neighborhood composed of residences, improved commercial development, a renewed relationship with its neighbors - SUNO and the New Orleans Theological Seminary, improved pedestrian access, and connectivity with other areas of Planning District 6.

SAINT JAMES CITIZENS FOR JOBS AND THE ENVIRONMENT (SJCJE): The leaders of SJCJE were Mrs. Emelda West and Ms. Gloria Roberts, a retired cafeteria worker and retired school teacher, respectively, both lifelong residents of Convent, Louisiana. These two courageous women, born on the same day, worked at the same school, and became best friends who co-founded SJCJE to fight Shintech under the banner cry of "Enough is enough!" Both women were in their late 70's when they began the Shintech fight.

SAINT MARIA GORETTI CHURCH supports ENONAC by providing a venue for regular community meetings as well as training workshops and events. The church is centrally located in New Orleans East.

SIERRA CLUB: Founded by legendary conservationist John Muir in 1892, The Sierra Club is the nation's largest and most influential grassroots environmental organization -- with three million members and supporters. Sierra Club successes range from protecting millions of acres of wilderness to helping pass the Clean Air Act, Clean Water Act, and Endangered Species Act. The Sierra club made history by leading the charge to move away from the dirty fossil fuels that cause climate disruption and toward a clean energy economy. Since Hurricane Katrina, the Sierra Club has become an ally on environmental matters facing New Orleans East.

TWOMEY CENTER FOR PEACE THROUGH JUSTICE - LOYOLA UNIVERSITY, New Orleans, LA seeks to shape social justice consciousness through education, and to take action on critical social problems confronting society. The Twomey Center acts as a catalyst for research and action on critical issues of workers' rights, racism, poverty and justice. Our mission is achieved through action, reflection and dialogue generating community partnerships. The Twomey Center's services include the Conflict Resolution Program.

VAYLA is a progressive multi-racial community-based organization in New Orleans that empowers youth and families through supportive services and organizing for cultural enrichment and positive social change. Young community leaders founded VAYLA in 2006 as a means to reach out to the larger community to create a voice and organize to address the needs in the local community. Committed to youth development, community empowerment, higher education, and cultural awareness, VAYLA is composed of young leaders, high school and college students that want to engage and empower others educationally, mentally, physically, and spiritually. VAYLA partners with ENONAC on critical health, environmental and quality of life issues.

MAP ENDNOTES

- 1 Allen, Barbara L. 2006. "Crade of a Revolution? The Industrial Transformation of Louisiana's Lower Mississippi River." *Technology and Culture* 47(1): 112-19.
- 2 <http://www.msnbc.com/interactives/geography-of-poverty/se.html>; Allen, op. Cit.

CASE STUDY ENDNOTES

The Diamond Community & the Shell Chemical Facility

- 1 Thibodeaux, R., "Refinery is traced to ruptured pipe," *The Times-Picayune*, May 4, 1988, p. B-1.
- 2 Concerned Citizens of Norco et al, *Shell-Norco: Toxic Neighbor*, 1999, p. 5.
- 3 Subra W., *Norco: Environmental Issues*, The Subra Company, 2001, pp. 9-10.
- 4 Lerner S., *Diamond: A Struggle for Environmental Justice in Louisiana's Chemical Corridor*, 2005, p. 67.
- 5 J. Biers, *Norco panics as Shell chemical tank rumbles*, The Times-Picayune, Dec. 9, 1998, p. B-1; Shell: Notice to Our Neighbors, t/8/98; Report to the National Environmental Justice Advisory Council.
- 6 *L'Observateur*, Jan. 9, 1999, p. 1-A; Communities for a Better Environment, 12/8/98.
- 7 Biers, J., "Norco panics as Shell chemical tank rumbles," Dec. 9, 1998, op cit.
- 8 Biers, J., "EPA puts La., Texas chemical plants on notice," Nov. 8, 1999, op cit.
- 9 Biers, J., "Blown off," *The Times-Picayune*, Aug. 13, 2000, p. A-1.

The Convent Community & the Shintech Corporation

- 10 Wright, Beverly. 2005. "Living and Dying in Louisiana's Cancer Alley," chapter 4 in Bullard, Robert D. *The Quest for Environmental Justice: Human Rights and the Politics of Pollution*. San Francisco: Sierra Club Books, 2005.
- 11 Ibid.
- 12 U.S. Senate Committee on Environment and Public Works, Subcommittee on Superfund and Environmental Health, Hearing: Oversight of EPA's Environmental Justice Programs, July 25, 2007.
- 13 Ibid.
- 14 Ibid.
- 15 Ibid.
- 16 Wright, op cit, p. 101.
- 17 Ibid.
- 18 Ibid. at 109
- 19 See Wright, op cit., p. 101. (address environmental justice issues through a public hearing).
- 20 Collin, op cit., p. 109.

- 21 J. Timmons Roberts & Melissa M. Toffolon-Weiss, *Chronicles from the Environmental Justice Frontline*, p. 123 (Cambridge Univ. Press, 2001).
- 22 Ibid.
- 23 Wright, op cit.
- 24 Roberts et al, op cit. 43 Ibid.
- 25 Ibid.
- 26 Ibid.
- 27 Ibid.
- 28 Ibid.
- 29 Ibid.
- 30 U.S. Senate Committee on Environment and Public Works, Subcommittee on Superfund and Environmental Health, Hearing: Oversight of EPA's Environmental Justice Programs, July 25, 2007.

The Struggle for Human Rights in the Mossville Community

- 31 Don Richards, Louisiana's Calcasieu Estuary faces Superfund investigation, ICIS Chemical Report, March 20, 2000, <https://www.icis.com/resources/news/2000/03/20/108753/louisiana-s-calcasieu-estuary-faces-superfund-investigation/>.
- 32 *Industrial Sources of Dioxin Poisoning in Mossville: A Report Based on the Government's Own Data*, p. li.
- 33 *Human Rights in Cancer Alley*, Living on Earth, Public Radio International (PRI) (EPA Administrator Lisa Jackson interviewed in report on a ruling by the Inter- American Commission on Human Rights that environmental racism in the United States is a human rights violation in a case brought on behalf of Mossville Environmental Action Now that set an international precedent) <http://www.loe.org/shows/segments.html?programID=10-P13-00017&segmentID=5>, p. 11.
- 34 Id., p. 1.
- 35 Id., pp. 6 – 14.
- 36 Trinity Consultants, *Georgia Gulf Lake Charles, LLC, Vinyl Chloride Monomer Plant, Westlake, Calcasieu Parish, Louisiana: Air Toxics Dispersion Modeling Report*, October 2011.
- 37 US Environmental Protection Agency, *Results of Trace Atmospheric Gas Analyzer in Mossville, Calcasieu Parish, Louisiana, 1999*. See also, Dorothy Felix, *Statement to the US Senate Environment and Public Works Committee*, July 31, 2013, https://www.epw.senate.gov/public/_cache/files/9/3/936ed57d-ded0-43c1-aa09-544281096845/01AFD79733D77F24A71FEF9DAFCCB056.73113hearingwitness testimony nyfelix.pdf (explaining that the Mossville community requested EPA conduct the air monitoring and share the results), p. 1.
- 38 U.S. Agency for Toxic Substances and Disease Registry, *Division of Health Consultation, Health Consultation: Exposure Investigation Report, Calcasieu Estuary (a/k/a Mossville), Calcasieu Parish, Louisiana*, CERCLIS No. LA0002368173, Nov. 19, 1999. U.S. Agency for Toxic Substances and Disease Registry, *Health Consultation: Follow-up Exposure Investigation, Calcasieu (a/k/a Mossville), Lake Charles, Calcasieu Parish, Louisiana*, EPA Facility ID: LA 0002368173, March 13, 2006.
- 39 World Health Organization, *Dioxins and Their Effect on Human Health*, October 4, 2016, <http://www.who.int/news-room/fact-sheets/detail/dioxins-and-their-effects-on-human-health>. Id., pp. 6 – 14.

- 40 US Environmental Protection Agency, *Results of Trace Atmospheric Gas Analyzer in Mossville, Calcasieu Parish, Louisiana*, 1999. See also, Dorothy Felix, *Statement to the US Senate Environment and Public Works Committee*, July 31, 2013, https://www.epw.senate.gov/public/_cache/files/9/3/936ed57d-ded0-43c1-aa09-544281096845/01AFD79733D77F24A71FEF9DAFCCB056.73113hearingwitness testimony nyfelix.pdf (explaining that the Mossville community requested EPA conduct the air monitoring and share the results).
- 41 Mossville Environmental Action Now et al, *Breathing Poison: The Cost of Toxic Industries in Mossville, LA*, 1999.
- 42 National Environmental Justice Advisory Council, *Joint Committees Meeting Summary on Dioxin Exposure Investigation in Mossville, Calcasieu Parish, Louisiana*, May 25, 2000, <https://www.epa.gov/sites/production/files/2015-03/documents/sum-wst-hlth-subcom-0500.pdf>.
- 43 Advocates for Environmental Human Rights, *Stopping Land Theft in Mossville, Louisiana by the SASOL Corporation and Governmental Authorities*, December 2014.
- 44 April Reese, *Navajo group takes uranium mine challenge to Human Rights Commission*, The New York Times, May 12, 2011, <https://archive.nytimes.com/www.nytimes.com/gwire/2011/05/12/12greenwire-navajo-group-to-take-uranium-mine-challenge-to-33718.html?pagewanted=1>.
- 45 Wilborne P. Nobles, *Loyola law students push for international ruling on Flint water crisis*, The Times-Picayune, Nov. 30, 2017, https://www.nola.com/education/index.ssf/2017/11/loyola_petitions_usa_for_flint.html.
- 46 Associated Press, *EPA to impose standards on PVC plant emissions*, The Times-Picayune (New Orleans, LA), Nov. 5, 2009, https://www.nola.com/business/index.ssf/2009/11/epa_to_impose_standards_on_pvc.html.
- 47 *Blue Vinyl* directed by Judith Helfand; CNN Special Report on Toxic America: *People of Mossville "are like an experiment"* with Dr. Sanjay Gupta.
- 48 Bill Shearman, *A Forgotten Community: A History of Mossville*, 2017.
- 49 Hurst Hannum et al, *International Human Rights: Problems of Law, Policy and Practice*, Wolters Kluwer Law & Business, 2011.

New Orleans East Community & Sun Energy

- 50 New Orleans East Demographics - <http://www.city-data.com/neighborhood/Lake-Forest-East-New-Orleans-LA.html>.
- 51 Chef Menteur Landfill - <https://www.colorlines.com/articles/battling-chef-menteur-landfill>.
- 52 Plasma Arc Gasification Facility - https://www.nola.com/business/index.ssf/2009/08/recycling_trash_to_electricity.html.
- 53 Dioxin dangerous to human health - <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC2788749/>.
- 54 *GreenNOLA: A Strategy for a Sustainable Task Force* - <https://www.nola.gov/getattachment/bee551e-5cf8-421c-ac27-48db26194c40/Appendix-Ch-13-GreenNOLA-A-Strategy-for-a-Sustainable/>.
- 55 Recycling creates jobs - <https://ilsr.org/recycling-means-business/>.
- 56 Waste is readily recyclable and compostable - <https://www.epa.gov/transforming-waste-tool>.

New Orleans East Community & the Proposed Entergy Gas Plant

- 57 Frank Schneider, *'Model city' is seen for N.O.: plans for eastern sector explained*, THE TIMES-PICAYUNE (New Orleans, LA), section 2-page 4, July 27, 1959.
- 58 Ibid.
- 59 USFWS National Wetlands Inventory, updated 1988, <https://www.fws.gov/wetlands/data/State-Downloads.html>.
- 60 City of New Orleans, City Planning Commission Staff Report, Reconsideration: Motion No. M-17-412, Planning District 11, Item a. (PD 11-01).
- 61 Robert G. Miller, *Census shines light on East – population increase bucks Orleans trend*, p. 1, July 28, 2002.
- 62 Frank Schneider, *'Model city' is seen for N.O.: plans for eastern sector explained*, THE TIMES-PICAYUNE (New Orleans, LA), section 2-page 4, July 27, 1959.
- 63 US Census, 2000.
- 64 *Plan Shrinks City Footprint*, The Times-Picayune (New Orleans, LA), Dec. 14, 2005.
- 65 Id.
- 66 Roberta Brandes Gertz, *Who killed public housing in New Orleans?*, THE NATION, June 2, 2015.
- 67 Louisiana Revised Statutes, title 33, sections 9100.1 – 9100.13.
- 68 US Environmental Protection, *EJ Screen for the Clean Power Plan*, July 30, 2015, pp. 85 – 86.
- 69 Cathleen E. Jones, Karen An, Ronald G. Blom, et al, *Anthropogenic and Geologic Influences on Subsidence in the Vicinity of New Orleans, Louisiana*, JOURNAL OF GEOPHYSICAL RESEARCH: SOLID EARTH, 121, doi:10.1002/2015JB012636, pp. 9 – 11, 19.
- 70 Cathleen E. Jones, Karen An, Ronald G. Blom, et al, *Anthropogenic and Geologic Influences on Subsidence in the Vicinity of New Orleans, Louisiana*, JOURNAL OF GEOPHYSICAL RESEARCH: SOLID EARTH, 121, doi:10.1002/2015JB012636, pp. 9 – 11, 19.
- 71 Environment America, *Shining Cities: How Smart Local Policies Are Expanding Solar Power in America*, April 2017, pp. 14 - 15.
- 72 See, e.g., WDSU News (NBC affiliate), *Neighbors: Proposed Entergy power plant in New Orleans East environmental injustice*, July 13, 2016, <http://www.wdsu.com/article/neighbors-proposed-entergy-power-plant-in-new-orleans-east-environmental-injustice/3608747>.
- 73 See, e.g., WDSU News (NBC affiliate), *New Orleans East residents voice frustrations about planned Entergy power plant*, July 25, 2017, <http://www.wdsu.com/article/new-orleans-east-residents-voice-frustrations-about-planned-entergy-power-plant/10367170>.
- 74 Michael Isaac Stein, *Actors were paid to support Entergy gas plant*, THE LENS, May 4, 2018, <https://thelensnola.org/2018/05/04/actors-were-paid-to-support-entergys-power-plant-at-new-orleans-city-council-meetings/>.
- 75 City of New Orleans, City Planning Commission Staff Report, Reconsideration: Motion No. M-17-412, Planning District 11, Item a. (PD 11-01).
- 76 City of New Orleans, City Planning Commission Staff Report, Zoning Docket 002-18: City Council Motion No. M-17-551.