

March 15, 2006

TO: EPA Administrator Stephen Johnson

ATSDR Administrator and CDC Director Julie Louise Gerberding

Federal Coordinator of Gulf Coast Rebuilding Donald Powell

On behalf of the millions of members and supporters in the civil rights, religious, environmental justice, and environmental communities, we urgently petition you to immediately clean up the toxic chemical contamination left in the wake of hurricanes Katrina and Rita. As of this writing, the Environmental Protection Agency (EPA) and the Agency for Toxic Substances Disease Registry (ATSDR) have failed to fulfill their moral and legal responsibilities to protect the health of millions of Gulf Coast residents from toxic chemicals released in the storms that remain as contaminated sediment and soil across sections of Greater New Orleans.

The Katrina disaster has highlighted race and class issues for all Americans, as we witnessed with unusual clarity the especially devastating impacts of the disaster on communities of color, and watched the inadequate government response unfold in slow motion. It has been six months since Katrina destroyed the city, but EPA has taken no action to clean up, which is having a devastating impact on public and environmental health, regional equity, community development, and economic recovery. Redevelopment, revitalization plans, and rebuilding infrastructure must benefit those communities most affected by the hurricanes, and these efforts should not be allowed to result in involuntary resettlement or to exacerbate residential and commercial displacement of communities of color.

According to samples collected by the EPA, the Natural Resources Defense Council (NRDC), and other independent organizations, serious sediment contamination containing such dangerous chemicals as lead, arsenic, petroleum products, and other toxic and cancer-causing organic chemicals, still blankets much of Greater New Orleans and other hard-hit Gulf state areas. In many locations these toxins are at levels far in excess of EPA and even weak Louisiana state screening and cleanup target levels. EPA and NRDC also found "hot spot" contamination near old industrial sites or dumps of such banned pesticides as DDT, or with high levels of other toxic chemicals.

In addition, a recent Centers for Disease Control and Prevention study found that "mold growth inside homes was likely at or above a level sometimes reported to be associated with certain health effects (e.g., cough; airway hyper-reactivity; influenza-like symptoms; ear, nose, and throat irritation; decreased lung function; and skin rash)." Even so, federal and state agencies are doing little to help residents cope with the mold problem. There are no U.S. regulatory standards for mold spores, but it is the government's responsibility to ensure the public is protected from this dangerous health risk, and the federal government has authority under Superfund to take action on mold as a disease agent.

While the hurricanes certainly hit wealthier, predominantly white communities that deserve full protection and cleanup, the storms were especially devastating for low-income communities and communities of color. Their neighborhoods, which are closer to toxic industrial sites, now have the highest concentrations of contamination. And the residents there have less money to pay for privately funded cleanup and more limited access to health care. In general, a number of studies have demonstrated that certain communities – namely minority and low-income populations – experience a disproportionate burden of environmental pollution. The hurricanes that destroyed New Orleans merely exacerbated the problem.

The NAACP, United Church of Christ, United Methodist Church, Catholic Bishops, and many other civil rights and faith groups have consistently supported environmental justice and opposed policies that place a disproportionate burden of environmental degradation in certain communities. In 2004, for example, the United Methodist Church readopted a resolution titled “Environmental Racism” that cites President Clinton’s Environmental Justice Executive Order 12898 and calls for “comprehensive legislation that remedies these injustices and adequately protects all citizens and the environment.” The resolution further calls the ongoing pattern of environmental racism a “serious challenge to the conscience of all Christians.” (See “UMC Book of Resolutions,” 2004, p. 95.) Similarly, the National Conference of Catholic Bishops proclaims that “we advocate for just solutions to the disproportionate burdens of environmental degradation borne by the poor and people of color. This includes...the protection of low-income neighborhoods from toxic hazards.” (See [www.nccb.uscc.org/sdwp/ejp/background/policy.html](http://www.nccb.uscc.org/sdwp/ejp/background/policy.html).)

A number of regulations and laws require the federal government to clean up the toxic contaminants left by the hurricanes and subsequent flooding.

- Post-Katrina sediment and soil contamination constitutes a “public health emergency” from exposure to toxic substances, and the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA, commonly known as the Superfund law) requires the Agency for Toxic Substances Disease Registry (ATSDR) to provide medical care and testing to exposed individuals (42 U.S.C. § 9604(i)).
- After Katrina, the secretary of Health and Human Services declared a public health emergency under the Public Health Services Act (42 U.S.C. § 247d), and the ongoing exposure of residents to these toxic chemicals constitutes a continuation of these dangerous conditions.
- Because there is a “significant increased risk of adverse health effects in humans from exposure to hazardous substances,” under the Superfund law, ATSDR must initiate a health surveillance program including periodic medical testing of population subgroups to screen for diseases for which the population or subgroup is at significantly increased risk and provide a mechanism to refer for treatment those individuals who are screened positive for such diseases (42 U.S.C. § 9604(i)).
- In addition, because of the releases of toxic chemicals and petroleum, EPA is required by the Superfund law and the Clean Water Act to reduce such exposure and eliminate or substantially mitigate the significant risk to human health. This includes cleanup consistent with the National Contingency Plan issued under those two laws, and where appropriate, provision of alternative water supplies and provision of permanent or temporary replacement housing (*Ibid* §§ 9601-06; 33 U.S.C. § 1321(c); 40 C.F.R. Part 300).

We urge you to ensure that the federal government conduct a careful and prompt cleanup of the toxic chemicals and particularly the hot spots of toxic contamination in Greater New Orleans and all Gulf Coast communities, specifically low income areas and communities of color in order that all of God’s children are protected from environmental threats and health hazards.

Sincerely,

ACORN, New Orleans

Advocates for Environmental Human Rights

Deep South Center for Environmental Justice, Dillard University, New Orleans

W. Haywood Burns Environment Education Center, Albany, New York

Earthjustice, Washington D.C.

Holy Cross Neighborhood Association, Lower 9<sup>th</sup> Ward, New Orleans

Lawyers Committee for Civil Rights Under Law, Washington, D.C.

Louisiana Bucket Brigade, New Orleans

Louisiana Environmental Action Network, Baton Rouge

NAACP, Washington Bureau

National Black Environmental Justice Network

Natural Resources Defense Council

9/11 Environmental Action

Oxfam America

Physicians for Social Responsibility-Louisiana

Sojourners, Washington, D.C.