

Advocates for Environmental Human Rights ▪ Deep South Center for Environmental Justice ▪ Louisiana Environmental Action Network ▪ Natural Resources Defense Council ▪ People's Hurricane Relief Fund ▪ Physicians for Social Responsibility – Louisiana

## **GUIDING PRINCIPLES FOR A JUST AND EQUITABLE REBUILDING OF NEW ORLEANS**

1. Environmental Justice: All rebuilding in New Orleans should be completed in a fair and equitable manner. The city should respect the cultural heritage and racial and economic diversity that makes New Orleans unique.
  - All rebuilding involving federal agencies must adhere to the standing Presidential Executive Order 12,898 on Environmental Justice (see Appendix A). In addition, the city should look to the principles of Environmental Justice, as promulgated at the First People of Color Environmental Leadership Summit in Washington, DC in 1991, as guidance in ensuring environmental justice protections.
  - Low-income communities and communities of color in the hardest-hit areas of the city need support the most, and therefore should receive first priority in cleanup and rebuilding efforts. We strongly disagree with the Urban Land Institute (“ULI”) report’s recommendation that rebuilding priority should be given to areas with the least damage. This conflicts with the additional report provision that calls for fair and just rebuilding efforts.
  
2. Right to Return: The city must respect displaced residents’ right to return.
  - The city should aggressively facilitate the means for displaced residents to return.
  - The city should expedite housing requests to FEMA, focusing on low-income families.
  - The city should demand that the state and federal governments clean up toxic risks in accordance with federal safety limits, so that it is safe for residents to return.
  
3. Public Participation: Meaningful public participation and involvement must be included in all decision-making processes.

- A short period for public comment in key hearings is not adequate. Public participation should occur early and often. Public comment periods should be extended beyond the current 3-minute limit at the close of meetings.
  - Public meetings should be held at times and places where members of the public are most likely able to attend. This requires the city to engage in substantial outreach to locations where many displaced residents are temporarily living.
  - Public officials should organize meetings with community panelists, and invite community guest speakers to attend. This will create a more open dialogue, that will lead to more opportunities to resolve conflicts.
4. Protect Voter's Rights: The voting rights of all residents must be respected and enforced to the fullest extent of the law.
- In particular, the city must ensure that displaced residents who are planning to return have their right to vote protected.
  - The city must engage in an aggressive outreach effort to contact displaced residents, and inform them on how to properly fill out and submit a valid absentee ballot.
5. Remove Contaminated Sediments: The City should request that FEMA and EPA immediately remove contaminated sediment from New Orleans' communities, and conduct further investigation and remediation of toxic hot spots.
- There is enough reliable and current data available to warrant a precautionary approach. Independent data demonstrates that the toxic contamination in the sediments may pose a long-term health risk.
  - Federal and state agencies, including CDC, EPA, and LDEQ, all acknowledge that an acute health risk exists from airborne suspended dust formed from drying sediments. These particles can cause coughs, allergic reactions, skin rashes, and respiratory distress. The health of certain populations, such as children, the elderly, and people who are immune- or respiratory-compromised is especially vulnerable to these exposures. The long-term health

risks from exposure include cancer, impairment of the nervous system, and developmental effects.

- *“Hot spots” of contamination should receive special remediation attention.* Pesticide contamination at and around the abandoned Thompson Hayward pesticide production facility, and heavy metals and PAH contamination at the Agriculture Street Superfund site require at substantial and enhanced removal activities, such as excavation and clean soil fill and bioremediation.
  - *The cleanup of contaminated sediments should commence immediately.* Removing the sediments now, will protect more returning residents. For those who have already returned to their home in a contaminated area, they should be relocated for the duration of the cleanup process.
  - *Best practices should be used to control exposure during sediment removal.* This includes dust and mold control, dome curtains, and protective equipment for workers and residents in the areas where sediment is being removed. There should also be adequate public notice well before cleanup occurs.
  - *Post-remediation testing should occur to ensure that cleanup was effective.* Remediated sites should be retested after cleanup activities to ensure that the contamination was adequately removed. A monitoring program should be implemented for previously identified sites of concern.
6. Personal Protective Equipment: The city should demand that FEMA, CDC, and EPA provide personal protective equipment to residents as they return home.
- Due to recognized acute health risks, all agencies are recommending that people wear protective equipment upon return to previously flooded areas. This includes N95 model respirators, protective clothing or suits (we suggest Tyvek), gloves, boots, and goggles. However, each agency has failed to act upon its own advice and provide protective equipment to people as they return to neighborhoods that were impacted by flooding.

7. Adequately Informing the Public of Health Risks: Real immediate independent assessments of health problems must be instituted with the sensitivity that health information should not be used against returning residents and communities.
- The city should facilitate the broadcast of health advisories on the short- and long-term environmental health risks in flooded areas, as well as information about how to prevent exposure, to all displaced communities via television, radio, and print media.
  - Of the 145 sites EPA/LDEQ previously identified as “exceeding [regulatory] criteria,” only 14 of those sites were retested. EPA and LDEQ have conceded that contamination in 4 of the 14 sites are still a cause for concern. Since less than 10% of the “sites of concern” were retested by government agencies, it is clear that not enough data is available to warrant statements asserting that there are no health risks posed by the remaining sediments. It is irresponsible for agencies, charged with protecting public and environmental health, to make such claims.
  - The city should request that EPA, LDEQ, and CDC provide adequate multi-media public health notices for sediment removal operations, and health advisories to vulnerable populations. People should know well in advance when their neighborhood is slated for cleanup.
  - The city should ensure that drinking water systems are safe by:
    - performing comprehensive testing for microbial and chemical contaminants at randomly selected points-of-delivery throughout the city to ensure persistent contamination is not present in the distribution system (full system flushing is likely necessary wherever the water may be contaminated);
    - monitoring for different species of chlorination byproducts, both at treatment plants and at points-of-delivery (toxic compounds, such as trihalomethanes and other chloramine/chlorination byproducts may form in elevated amounts during a disinfection process where higher than usual amounts of chlorine and ammonia are added during treatment, or if there is a change in pH); and
    - making all test results immediately public in an understandable format.
8. Initiating State Legislative Hearings: The city should request that the State Legislature hold hearings on the health impacts of sediment contamination and the need for sediment cleanup/remediation. The city

should also push for more public and legislative dialogue on the issues of debris and waste management.

9. Green Building: The city should require that all new construction or major reconstruction in New Orleans should be consistent with well-recognized green building principles.
  - Green buildings, at a minimum, should meet Leadership in Energy and Environmental Design (“LEED”) Silver standards.
  - LEED is a rating system used to measure the overall environmental performance of a building. LEED rates a building on its energy efficiency (i.e. utilization of Energy Star appliances, maximum daylighting designs, passive solar heating, etc.); water efficiency (i.e. stormwater capturing, low-flow faucets and shower heads, and low-water landscaping, etc.); relationship to site and community (i.e. centrally located near public transportation hubs, providing adequate open spaces, better pedestrian environments, etc.); and use of healthy buildings techniques (i.e. utilizing non-toxic building materials, improved occupant health, site design, low-chemical landscaping, etc.).
  
10. Healthy Schools: Schools that were impacted by flooding should be rebuilt in a manner where the health of children is fully protected. If schools are reconstructed, they should adhere to LEED standards.
  - The city should ensure clean, safe, soil for public schools that has been tested and remediated to the minimum level of the most protective cleanup guidelines in the country.
  - Construction of new public school facilities should include up-to-date educational technology infrastructure.
  - All public school facilities should eliminate exposure to asbestos and lead-based paint hazards through interim controls, abatement, or a combination of both methods.
  
11. Health Care: Katrina put a heavy strain on the region’s hospital facilities. Currently, there are limited facilities fully up and running, and there is limited access, particularly for low-income and uninsured residents. There are current proposals to close, for example, regional Charity and University hospitals. The impact of these closures would surely disproportionately impact the poor and uninsured.

- The city should act to immediately to restore and improve the region’s “safety net” health provider network.
- The city should ensure that health care to low-income and uninsured residents is not interrupted. In particular, low-income and uninsured residents should not have to go to an emergency room to get treatment for non-emergency illnesses.
- The city should make health care for the uninsured and poor more accessible by establishing community clinics to ensure quick and convenient treatment. People should not have to transport themselves to one or two central locations designed for urgent care. Clinics should specialize in the health needs specific to New Orleans, such as diabetes, nutrition, and mental counseling.
- The city should demand that the federal Public Health Service and Agency for Toxic Substances Disease Registry provide ongoing medical care and testing to individuals exposed to toxins, as required by the Comprehensive Environmental Response, Compensation and Liability Act (section 104(i)(1)).

12. Wetlands: Natural coastal barriers on the Gulf have nearly been completely destroyed by decades of industrial misuse and government-sponsored re-engineering gone awry. Restoration of the natural ecosystem in the region, however, should never supercede the right of residents to return and rebuild their homes and lives, especially in the hardest hit areas such as the Ninth ward.

- The city should work with federal and state officials to ensure the adoption of a major coastal wetland restoration program in the Louisiana Delta.
- The city should ensure that flood control projects ordered by Congress and developed by the Army Corps of Engineers are prioritized to protect population centers and serve legitimate flood control purposes, not the call of pork-barrel politics.

13. Levees: It is clear that levees need to be built, strengthened, and repaired to protect the region from future storms. The push to construct levees, however, should not displace residents in low-lying areas.

- The city should support efforts to unite all levy boards into a regional entity that is representative of all residents in the region and free from conflicts of interest.

- The city should support efforts to restore adequate funding for all the levees.
- The city should immediately close the Mississippi River Gulf Outlet (MR-GO) and other unsustainable navigable facilities.
- The city should end its support for the Industrial Canal project.
- The city should provide for significant objective, technical, and financial oversight, by experts without conflicts of interest, for all Army Corps of Engineers projects and activities.