

Advocates for Environmental Human Rights • Alliance for Healthy Homes • Deep South Center for Environmental Justice • Healthy Schools Network • Holy Cross Neighborhood Association • Interreligious Foundation for Community Organization/Pastors for Peace • Louisiana Environmental Action Network • National Black Environmental Justice Network • Natural Resources Defense Council • 9/11 Environmental Action • People's Hurricane Relief Fund • Physicians for Social Responsibility - Louisiana • Sierra Club Delta Chapter

## **Rebuilding New Orleans: A 10-Point Plan of Action**

Thirteen national and local organizations have joined together to offer a guide for rebuilding devastated New Orleans neighborhoods. Their recommendations are informed by three overarching principles, which provide an umbrella for a 10-point plan of action.

The organizations request that the city of New Orleans:

### **Ensure Environmental Justice for the Hardest-Hit Communities**

All rebuilding in New Orleans should be completed in a fair and equitable manner that respects the cultural heritage and racial and economic diversity that makes New Orleans unique.<sup>1</sup> Low-income communities and communities of color in the hardest-hit areas of the city need the most support, and therefore should receive first priority in cleanup and rebuilding efforts.<sup>2</sup>

### **Help Displaced Residents Return to the City**

All displaced residents have the right to return. The city should expedite housing requests to the Federal Emergency Management Agency (FEMA), focusing on low-income families. The city also should demand that state and federal agencies clean up toxic contamination, as required by federal law, so it is safe for residents to return.

### **Ensure Meaningful Public Participation in All Decision-Making**

The public must be fully involved early and often in all aspects of decision-making. To that end, public comment periods should be extended beyond the current 3-minute limit at the close of meetings. In addition, public meetings should be held at times and places where residents are most able to attend. This would require the city to reach out to places where many displaced residents are temporarily living.

## **A 10-Point Plan of Action**

### **1. Remove Contaminated Sediments**

The city should immediately request that FEMA and the Environmental Protection Agency (EPA) remove contaminated sediment from New Orleans' communities, and conduct further investigation and remediation of toxic hot spots.

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<sup>1</sup> All rebuilding involving federal agencies must adhere to the standing Presidential Executive Order 12,898 on Environmental Justice. In addition, the city should look to the principles of Environmental Justice, as adopted at the First National People of Color Environmental Leadership Summit in Washington, D.C. in 1991 as guidance in ensuring environmental justice protections.

<sup>2</sup> We strongly disagree with the Urban Land Institute's report recommendation that rebuilding priority should be given to areas with the least damage. This conflicts with another provision in the report that calls for fair and just rebuilding efforts.

- There is enough reliable data available to warrant a precautionary approach. Independent data demonstrate that contaminated sediment may pose a long-term health risk.
- Federal and state agencies, including the Centers for Disease Control and Prevention (CDC), EPA, and the Louisiana Department of Environmental Quality (LDEQ), acknowledge that airborne-suspended dust from drying sediment poses a short-term health risk. These particles can cause coughs, allergic reactions, skin rashes and respiratory distress.
- Certain sensitive populations, such as children, the elderly, and people with weakened immune or respiratory systems, are especially vulnerable to these exposures.
- The long-term health risks from toxic sediment exposure include cancer, nervous system impairment, and developmental problems.
- Toxic “hot spots” should receive special attention. Pesticide contamination at and around the abandoned Thompson Hayward pesticide production facility, and heavy metals and polyaromatic hydrocarbons (PAHs) contamination at the Agriculture Street Superfund site require substantial removal efforts, such as excavation, clean soil fill, and bioremediation. PAHs are cancer-causing chemicals from soot and petroleum-based products.
- The cleanup of contaminated sediments should start immediately. Removing the sediments now will protect more returning residents. Those residents who have already returned to their homes in a contaminated area should be relocated for the duration of the cleanup process.
- Best practices should be used to control exposure during sediment removal. These practices include dust and mold control, dome curtains, and protective equipment for workers and residents in the areas where sediment is being removed. There also should be adequate public notice well before cleanup occurs.
- Sites should be retested after they are cleaned up to ensure that the contamination was adequately removed. A monitoring program should be implemented for previously identified hot spots.
- Owners of manufacturing, industrial and other sites that are identified as sources of released toxic substances should pay the cost of removal and permanent cleanup of the contamination.

## **2. Provide Personal Protective Equipment**

The city should demand that FEMA, CDC and EPA provide personal protective equipment to residents when they return home.

To protect against short-term health risks, state and federal agencies have recommended that people wear protective equipment when they return to previously flooded areas. This includes N95 model respirators, protective clothing or suits (we suggest Tyvek), gloves, boots, and goggles. These agencies, however, have failed to act on their own advice and provide protective equipment to returning residents.

## **3. Fully Inform the Public of Health Risks**

The city should ensure that state and federal agencies are continuing to fully assess health risks for residents returning to contaminated areas before making any official declarations that hard-hit areas of the city are completely safe for residents to return.

- Not enough data are available to warrant official assertions that the remaining sediments pose no health risks. Only 14 of the 145 sites EPA and LDEQ previously identified as “exceeding [regulatory] criteria” have been retested. Both agencies have conceded that contamination at four of the 14 sites is still a cause for concern. However, they have only retested fewer than 10 percent of the “sites of concern.”
- The city should place health advisories in newspapers and on television, radio and the Internet informing the public about the short- and long-term environmental health risks in flooded areas, and how to prevent exposure to toxic contamination.
- The city should request that EPA, LDEQ and CDC provide adequate public health notices for sediment removal and health advisories to vulnerable populations. Residents should know well in advance when their neighborhoods are scheduled 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 verify that contaminants are 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 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 when higher than usual amounts of chlorine and ammonia are added during treatment, or if there is a change in pH.); and
  - immediately publicizing all test results in an understandable format.

#### **4. Initiate State Legislative Hearings**

The city should request that the Louisiana Legislature hold hearings on the sediment contamination health threat and the need for sediment cleanup/remediation. The city also should push for more public and legislative dialogue on the issues of rebuilding, and debris and waste management.

#### **5. Apply Green Building Principles**

The city should require that all new construction or major reconstruction in New Orleans follow well-recognized green building principles, as developed by the U.S. Green Building Council (USGBC), an organization that represents all segments of the building industry.

At a minimum, green buildings should be certified to meet USGBC’s Leadership in Energy and Environmental Design (LEED) Silver rating. LEED is a uniform rating system that measures the overall environmental performance of a building and provides a verified certification of performance. 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. controlling moisture to prevent mold growth, utilizing non-toxic building materials, improving occupant health, site design, low-chemical landscaping, etc.).

Whenever feasible, green building principles should be applied to the construction of affordable housing units.

#### **6. Ensure Safe and Healthy Schools for Returning Children**

Flood-damaged schools should be rebuilt in a manner that fully protects children’s health. Rebuilt schools should be LEED-certified and incorporate the Collaborative for High Performance Schools guidelines for school or day care center design, using building design, engineering, and materials features that prevent mold from growing indoors. (The Collaborative for High Performance Schools develops guidelines that help school districts design energy efficient, healthy, comfortable, well lit schools.)

- The city should guarantee that soil on school grounds is clean and safe by making sure it is tested and cleaned up to at least the minimum level of the most protective cleanup guidelines in the country.
- New public school facilities should feature 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.
- School instructional and custodial products should be restocked with non-toxic supplies to help minimize indoor air quality problems.

#### **7. Maintain and Strengthen Health Care Services**

Katrina put a heavy strain on the region’s hospital facilities. Currently, there are few facilities that are running at full capacity, and residents – especially low-income and uninsured residents – have limited access to them.

- The city should immediately restore and improve the region’s “safety net” health provider network.
- The city should ensure that health care services for low-income and uninsured residents are not further interrupted by the closure of Charity and University hospitals. The closure of these “safety net” hospitals would force low-income and uninsured residents to travel to emergency rooms at other area hospitals to get treatment for non-emergency illnesses.
- The city should establish community clinics to provide quick and convenient treatment and make health care for the uninsured and poor more accessible. Community clinics should offer care and counseling tailored to the needs of New Orleans residents, focusing on diabetes, nutrition, and mental health.
- The city should demand that the federal Public Health Service and Agency for Toxic Substances Disease Registry provide ongoing medical care and testing to residents exposed to toxins, as required by the Comprehensive Environmental Response, Compensation and Liability Act (section 104(i)(1)).

### **8. Protect Voting Rights of Residents**

Residents will have to hold local, state and federal elected officials accountable to ensure that socially just cleanup, rebuilding and environmental restoration takes place. Thus, the government at all levels must respect all residents' voting rights, and enforce them to the fullest extent of the law to ensure full participation in the democratic process.

- 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 to tell them how to properly fill out and submit a valid absentee ballot.

### **9. Restore Coastal Wetlands**

Decades of industrial misuse and government-sponsored re-engineering gone awry have almost completely destroyed the Gulf of Mexico's natural coastal barriers.

- The city should work with federal and state officials to ensure they adopt 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 protect population centers and serve legitimate flood control purposes, not pork-barrel politics.

### **10. Improve the Levee System and Levee Boards**

Many levees may need to be built, strengthened, and/or repaired to protect the region from future flooding.

- The city should support efforts to unite all levee boards into a regional entity representative of all residents in the region and free from conflicts of interest.
- The city should support efforts to restore adequate funding for all levees.
- The city should immediately close the Mississippi River Gulf Outlet and other unsustainable navigable facilities.
- The city should end its support for the Industrial Canal project.
- The city should provide for expert technical and financial oversight without conflicts of interest for all Army Corps of Engineers projects and activities.

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