

I have had the pleasure and privilege of representing the southern portions of Lafourche and Terrebonne Parishes since my election in 1995. My district is a virtual paradise, which encompasses the most productive fisheries estuary in the United States, the most active and rapidly disappearing wetlands environment on the continent and the most wonderful and friendly people in the world. It is known for its uniquely "Cajun" customs, cuisine and hospitality as well as for its fantastic sports fishing and oil field productivity. Senate District 20 is truly a paradise and I am proud to be its leading promoter.

Since taking office, I have actively championed the citizens of a largely Native American community called Grand Bois. This town is being severely impacted by the presence of an oil field waste disposal plant which has used an exemption in the law to dispose of toxic oil field waste in a residential setting. As a practicing physician, I am convinced that my people are suffering severe medical consequences from this exposure and I have been active on both a local and federal level in trying to remedy this problem. What follows is their story, and I am certain that this will not be the last word on this issue.

--Senator Michael R. Robichaux, M.D.

THE STORY OF GRAND BOIS

With the melting of the polar glaciers several thousand years ago, vast quantities of water cascaded down the North American continent carving a massive channel with their turbulent currents. With the melting of the glaciers came a steady rise in sea level until the coastline of Louisiana stretched along a line drawn between the cities of Lake Charles, Baton Rouge and Slidell.

The turbid waters of the Mississippi River brought huge quantities of topsoil to the coastal environment and over the ensuing thousands of years the vast expanse of land and water known as South Louisiana was created. This creation was a virtual paradise. Its semi tropical climate and fertile soils were ideal for agriculture

and its rich lands and abundant waters supported endless quantities of wildlife and fishes.

During the meandering of the great river called the "Mississippi," ridges of land were laid out in finger like projections pointing toward the drainage basin we now know as the Gulf of Mexico. One of these ridges came to be called Grand Bois, or "Big Woods." This ridge was the kind of high and fertile site favored by Native Americans for shelter and for the availability of food.

Archeological evidence indicates that several hundred years ago a prehistoric community of Native Americans lived on this ridge at a site a few miles north of the town of Grand Bois. These people were later joined by another Tribe of Native People known as the Houma. The Houma were the people recognized by LaSalle, Iberville and Bienville in their exploration of the Mississippi Valley and the Houma boundary marker, a red pole or "baton rouge", was the source of the name of the Capital City of the State of Louisiana. The Houma migrated to the bayous of Lafourche and Terrebonne parishes and undoubtedly mixed with and married into the native population already dwelling in these areas. Some of their descendants now live in the town of Grand Bois and make up approximately 60% of the population.

Evidence of the prehistoric presence of Native Americans in this utopian setting was confirmed when a beautiful wooded area along the Grand Bois ridge was chosen by the Texas Corporation on which to build a gas plant. Preliminary studies of the area revealed the presence of prehistoric remains of Native People. After gaining the consent of Houma Tribal authorities to further inspect the area and to disinter the one body found, but without their permission to do anything else without prior consultation, this site was excavated and all of the human remains along with other evidence of the existence of a previous culture were quietly removed. The bodies of approximately 30 human beings were disinterred, their attachments to the lands of their ancestors and perhaps to their very souls were severed, and the Houma people were left to ponder their fate once again. But that is another story.

With that historical setting in mind, the following nightmare is

told. While the facts associated with this story are hard to believe, they are none the less the truth and are a reminder of the greed which pervades our species and sometimes dominates our character. While the willingness of government to cater to the profits of large multinational corporations at the expense of its poorer citizens is certainly not with precedence, the degree to which governmental officials in Louisiana have been willing to openly and unabashedly promote the destruction of their fellow man in pursuit of the almighty dollar is, in all likelihood, without parallel in recent times in the United States.

THE STORY OF GRAND BOIS

In 1984, the State of Louisiana provided permission for a corporation to dispose of oilfield waste in open pits at a site adjacent to the community of Grand Bois. The material delivered to this site, known as NOW, or Non-hazardous Oilfield Waste, is a soup of anything and everything found in the oilfield.

But is that material truly non hazardous? In the early 1980's, the federal government, bowing to the pressures of the oil and gas industry, provided an exemption to the toxic designation of substances created by the exploration and production of petroleum products. When a study funded by the U.S. Environmental Protection Agency acknowledged that some oilfield waste was toxic, the study was suppressed and never presented to Congress. Under this guise, hazardous materials such as Benzene, Hydrogen Sulfide, Lead, Cadmium etc. were exempt from the stringent standards required for all other industries in the handling, transportation and storage of these materials. At first, the problems at the site were occasional bad odors. However, as the years passed, the odors from the open pits next to Grand Bois became more and more objectionable to both the citizens of the community and to the people who traveled the highway through their town. By 1994, hundreds of thousands of barrels of oilfield waste were being delivered to this site on an annual basis.

During that year an incident occurred which underscored the significance of this problem. Exxon was closing a waste site in Alabama and was shipping the material removed from the site to

the Louisiana facility which at that time was called Campbell Wells. Apparently the cost of disposing this material in Alabama was greater than sending it to the Toxic Waste Kingdom of Louisiana and, in order to save a few dollars, arrangements were made to deliver Exxon's garbage to our state.

Although this material was officially classified as non-hazardous in Louisiana, the manifest provided to the trucking company was that of hazardous materials. Other data revealed that dangerous concentrations of Benzene and Hydrogen Sulfide were present in the shipment. The drivers of the trucks transporting this "non-hazardous" material were required to attend a 40 hour OSHA workshop on the transportation of hazardous materials and were provided with hazardous material suits, boots and respirators with which to perform their duties.

More than 80 truckloads of this non-hazardous/hazardous material was sent to Louisiana in ten truck convoys. According to witnesses and drivers, several individuals involved in transporting this material became ill and the drivers of the trucks in the convoys had to play "leapfrog" on a regular basis because the fumes from lead trucks were affecting the drivers in the rear. Other passing truckers called on their C.B. radios inquiring about the source of the materials they were smelling along the highway.

When the first convoy of trucks arrived in Grand Bois, and long before they unloaded, families began pouring out of their closed homes to investigate the horrible odors they were noticing. Children were getting off of school busses with their shirts over their faces to avoid the odors and soon the townspeople were gathered around the trucks wondering what was going on.

One young man got into his vehicle and drove close to the site and began filming the event. A driver emerged from one of the trucks wearing a full body protective garment, boots and a respirator. He walked to the back of his truck, pulled open the back gate, and then quickly ran away from the truck. This was repeated for the entire cycle of ten trucks while the townspeople stood watching.

The man with the video camera became ill, noted an immediate

burning sensation of his skin and developed a severe rash. A reporter covering the event became weak and was cared for by local people until she recovered and was later seen in an emergency clinic.

The majority of the citizens of the community who ventured forth from their homes stood within a few hundred feet of these trucks and at no time were they asked to leave the scene or were they ever notified that they were being exposed to hazardous materials. After all, hadn't the U.S. Government and the State of Louisiana certified that these materials were non toxic? It made no difference that Exxon had declared these materials to be toxic or that their employees were required to wear hazardous materials protective gear and were required to attend a 40 hour course on the handling of toxic chemicals. All that mattered was that the law stated that when these materials reached Louisiana they were no longer classified as being hazardous and could be disposed of in a residential setting. Although this shipment of waste from Alabama had heavy concentrations of sulfides, including hydrogen sulfide, along with Benzene and other toxic materials, the citizens of this community have never been notified of the content of the shipment or that it might be harmful.

Testing by the state of Louisiana confirmed toxic levels of benzene in the air and an affidavit obtained from the state requesting testing for sulfides has a notation to test for all sulfides EXCEPT Hydrogen Sulfide, the chemical most likely to have caused the majority of problems at the site!!

At this point it might be useful to give you an idea of the scope of this operation. The open cell into which this material was being delivered was located within 300 feet of the nearest residence, in spite of the fact that State law requires a 500 foot buffer for these activities. The entire population of Grand Bois lives within 1/2 mile of the nearest of the 18 open pits which constitute this facility and in the case of the 1994 incident, all of the community lived within 1/2 mile of the site of delivery of the 84 trucks of waste. At present, this facility receives approximately 1.2 million barrels of oilfield waste a year. Thus an open pit containing toxic chemicals was closed in Alabama and delivered to an open pit adjacent to a

residential community in Louisiana.

This shipment from Alabama was not the only time materials of this nature were delivered to this facility. It was simply the most notable. For years the citizens of Grand Bois have complained of various illnesses and the Louisiana Department of Health was called in to investigate. In spite of the fact that there was objective evidence of environmental induced illnesses in the community, a perfunctory report was prepared by the State which indicated that there were no problems detected. While that claim is totally false, it has been used by various state agencies and legislators to justify prolonging the existence of this facility.

During the last session of the Louisiana legislature, State Senator Mike Robichaux sponsored legislation which would have addressed some of the problems being faced by the citizens of Grand Bois. After utilizing every conceivable avenue to secure passage of his bill, Senator Robichaux was eventually forced to withdraw the measure to prevent killing a bill essential to a colleague in the House of Representatives. Senator Robichaux's bill was heard four times in committee, twice on the floor of the Senate and once on the floor of the House of Representatives.

The last vote came in the House of Representatives and it was a Battle Royale. According to members of the lobbying community, every available lobbyist in the Capitol was hired to oppose the legislation. The lobbying efforts of industry were quite effective with legislators receiving calls of opposition from their constituents throughout the state. These callers only knew what they had been told by industry representatives and hopefully will be shamed and incensed when they learn what they had been talked into doing. Governor Foster personally lobbied against the bill and the measure was defeated when it was sent to a hostile conference committee.

Prior to introducing his bill for consideration, Senator Robichaux enlisted the assistance of Dr. Patricia Williams, Director of the Occupational Toxicology Program of the Department of Medicine of LSU Medical Center in Shreveport. Dr. Williams performed a health survey of the citizens of Grand Bois and made comparisons

with a control community approximately 15 miles away. The survey results were quite alarming and suggested that much of the population of the community, especially the children, were suffering from environmentally derived illnesses.

Dr. Williams then performed a retrospective evaluation of the medical records of the children of the community and made the following startling findings. Of the children previously reviewed in the study by the State Department of Health, four children were shown to have high blood lead levels. Six other children had results which suggested possible high blood lead levels and the entire community was suffering from an inordinate amount of respiratory and gastrointestinal problems. At one point the State provided a follow-up on one of the children with lead poisoning and found lead in the soil outside of his home and in a nearby water cistern. Other possible sources of lead contamination such as household paints were eliminated by the inspector.

For some unknown reason, the office of public health neglected to include this information in their report. It is also unknown why many of the medical records with significant findings were omitted from this same report which was circulated by the Department of Public Health and used by the Commissioner of Conservation, the Department of Environmental Quality and various legislators to indicate that there were no medical problems associated with this site. By failing to adequately document the presence of lead in the community, the authors did a disservice not only to the citizens of Grand Bois, but also to the remainder of the department of health and hospitals.

For her impartial evaluation of this matter, Dr. Patricia Williams has been attacked from all quarters. The Governor of the State of Louisiana initially called for a comprehensive study of this issue by the state, thus implying that Dr. Williams' work was faulty or biased. When the controversy was further publicized, Dr. Williams was designated as the lead investigator of this study.

Although the State indicated that the federal government was in agreement with their position on this matter, Carrol Browner, Director of the U.S. Environmental Protection Agency was aghast

when she learned that this "Sweetheart" exemption had been granted to the oil and gas industry and she feels that it needs to be eliminated. It was recently learned that a comprehensive study performed by the EPA indicated that some oilfield waste is toxic and the scientists at this agency recommended that this material be regulated. However, the study was hidden from Congress and the EPA recommended that an exemption be granted to the oil and gas industry.

When this issue became widely publicized, Governor Foster stated publicly that the state would test every load of waste before it leaves the site of origin and once again when it arrives at the disposal facility. To institute this policy, he went to his Secretary of the Department of Natural Resources, a long time attorney for the Oil and Gas Industry, who hired an out of state "expert" who has spent much of his professional life working with the American Petroleum Institute, the chief lobbying arm of the Oil and Gas Industry. At a public hearing earlier this year, Secretary Caldwell stated that the State would be doing batch testing (not testing of each load) at the site of origin and once again when the material was delivered to the disposal site. The material could then be unloaded before the results were reported. When asked what they would do if toxic chemicals were sent to the site, he stated that they still hadn't worked that problem out. Interpretation, don't hold your breath waiting for the state to do the right thing, and definitely hold your breath when you travel through Grand Bois.

Recently the state began obtaining air sampling at the site and it has been shown that the complaints called into the Louisiana DEQ by the citizens of Grand Bois correlate directly with elevations of Hydrogen Sulfide in the air. The citizens of Grand Bois have no way of knowing when the H₂S monitors are measuring elevated levels, and yet their calls and their illnesses correlate directly with the monitoring data. If the state is serious about doing meaningful testing at this site, they need to add additional monitors and do so in a manner intended to actually find problems.

It is incumbent that every citizen of this nation understand that our democracy is a participatory form of government. If you don't choose to participate, you cannot expect to reap the benefits that

our forefathers fought so valiantly to provide to us. An Irish activist once wrote, "The condition upon which God hath given liberty to man is eternal vigilance." Freedom must be earned and nurtured, or it will soon escape our grasp. It is critical that all free people support the plight of their neighbors, because if injustices are allowed to suppress any single group, it is merely a matter of time before they oppress us all.

It is essential that we understand that righteous causes cannot be won by the few if ignored by the many. The 300 citizens of Grand Bois cannot compete with an industry which counted profits of approximately 30 billion dollars last year. Their only hope for justice is in the hands of a concerned public and the lawmakers who establish policy in these areas. Under ordinary circumstances, no one is going to convince a lawmaker to commit political suicide by opposing such an oppressive and greedy industry. This is industry's advantage. However, many politicians can count more than just money, and they also realize that they cannot be reelected without your vote. This is why it is critical that each of us express our outrage at the treatment being given to the citizens of Grand Bois. Their plight is but a microcosm of what is happening elsewhere in this country and is symbolic of what happens when the powerful and greedy oppress the few and the needy.

Please open your hearts and make phone calls and write letters to your legislators insisting that these absurd concessions given to the oil and gas industry be rescinded immediately. Those of you from Louisiana, please call your legislators and encourage them to close down the facility at Grand Bois and to protect God's children who inhabits this magnificent community.

Senator Robichaux's Topics of Interest

websen@legis.state.la.us Baton Rouge, LA