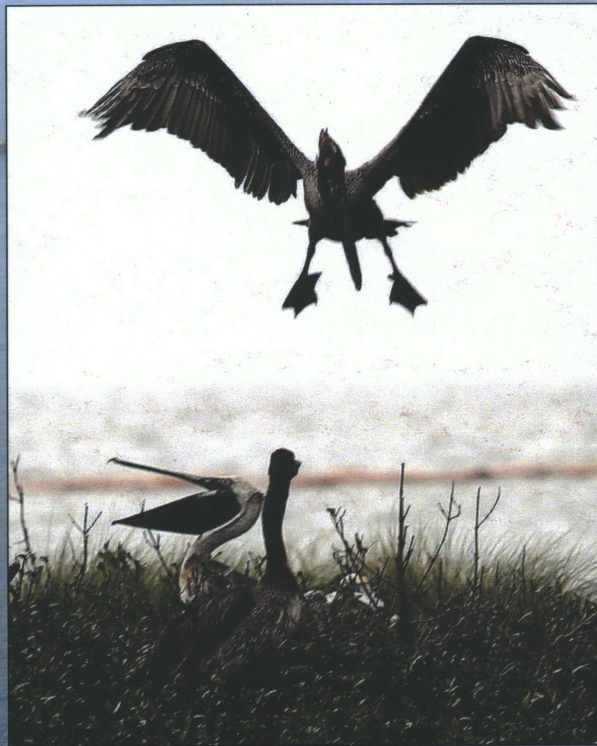


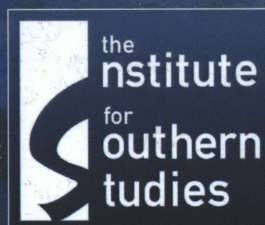
Troubled Waters

Two Years After the BP Oil Disaster,
a Struggling Gulf Coast Calls for
National Leadership for Recovery



By Sue Sturgis and Chris Kromm

June 2012



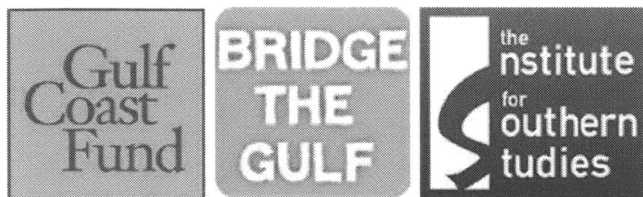
ABOUT THIS REPORT

This report was produced by the Institute for Southern Studies, a nonprofit media and research center, in collaboration with Bridge the Gulf Project and the Gulf Coast Fund for Community Renewal and Ecological Health.

We would like to thank all of the Gulf Coast community leaders who generously gave their time and insights for this report. Interviews of Gulf Coast community leaders were conducted by Chris Kromm and Sue Sturgis of the Institute for Southern Studies; Ada McMahon and Brentin Mock of the Bridge the Gulf Project; and Joshua Pelletier of the Gulf Coast Fund. Derrick Evans of the Gulf Coast Fund and Dan Favre of the Gulf Restoration Network provided valuable assistance in shaping this report. Jessica Turner of the Institute for Southern Studies transcribed interviews and created the layout.

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For more about the two-year anniversary of BP spill and the ongoing Gulf Coast recovery, including videos and transcripts of interviews with Gulf Coast community leaders, please visit www.southernstudies.org and www.bridgethegulfproject.org.



Cover photos (from left to right): Clean-up crews shoveling oily waste in Grand Isle, La., (photo by U.S. Coast Guard/Petty Officer 3rd Class Ann Marie Gorden); landing brown pelican at Breton National Wildlife Refuge (photo by Tom MacKenzie); fishing boat in Biloxi, Miss. (photo by Kris Krug). Background image: BP Deepwater Horizon spill, June 25, 2010 (photo by U.S. Coast Guard/Petty Officer 3rd Class Jaclyn Young).

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GULF RECOVERY INDEX

Two Years After the BP Disaster

Date on which BP's Deepwater Horizon oil rig exploded and burned: **4/20/2010**

Number of rig workers killed: **11**

Number of days the oil flowed into the Gulf of Mexico: **87**

Gallons of crude oil spilled: **about 200 million**

Gallons of chemical dispersants applied to the slick: **1.8 million**

Miles of Gulf Coast shoreline contaminated by oil from the BP disaster: **1,096**

As of late February 2012, miles of Gulf Coast shoreline where oiling was still apparent: **450**

Estimated percentage of BP's spilled oil whose fate remains unaccounted for: **60**

Thickness in inches of deposits of BP's spilled oil uncovered near Port Fourchon, La. by Tropical Storm Lee in September 2011: **18**

Factor by which dolphin strandings in the spill-affected area between April 2010 and March 2012 exceed the historical average for a similar time period: **4**

Percent by which some Gulf fishermen report their catches were down as of October 2011: **80**

Date on which the National Institutes of Health announced the launch of a health study of cleanup workers and volunteers exposed to BP's oil: **2/28/2011**

Rank of this study among the largest ever conducted of oil spill cleanup workers: **1**

Amount BP paid out for damage claims under its Gulf Coast Claims Facility: **over \$6 billion**

Number of individuals and businesses that had their claims paid: **over 220,000**

Date that claims payments switched to a court-run process as part of a proposed settlement of a lawsuit against BP: **3/23/2012**

Factor by which the processing of claims payments increased after the transition: **4**

Amount BP expects to pay out in claims under the settlement: **\$7.8 billion**

Amount BP has already agreed to pay for early ecological restoration projects as the Natural Resources Damage Assessment continues: **\$1 billion**

Total amount in fines BP could end up paying under the Clean Water Act: **\$5 billion to \$20 billion**

Profits earned by BP in 2011: **almost \$26 billion**

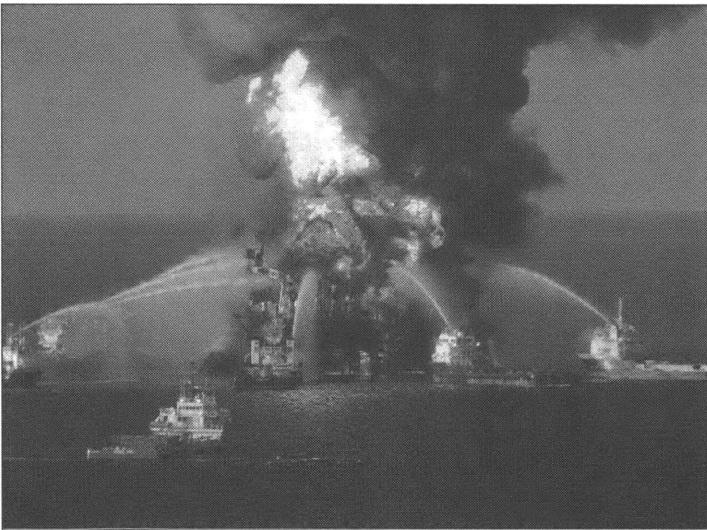
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INTRODUCTION

Searching for Hope, Struggling for Survival in the Gulf

On April 20, 2010, an explosion on the Deepwater Horizon rig operated by BP in the Gulf of Mexico killed 11 men working on the platform and injured 17 others. For three months the well gushed unchecked, sending 200 million gallons of crude oil into surrounding Gulf waters, wiping out sea life, idling fishing boats and bringing uncertainty to communities across the Gulf Coast.

Two years into the disaster, BP insists the Gulf is well on the road to recovery. In late 2011, a year when the company posted almost \$26 billion in earnings, the oil giant ran a national television ad campaign titled “Best Season” to promote Gulf tourism—without even mentioning the 2010 Deepwater Horizon disaster.



The explosion on BP's Deepwater Horizon rig in the Gulf of Mexico killed 11 platform workers, injured 17 others and would eventually unleash 200 million gallons of crude into the Gulf of Mexico (U.S. Coast Guard photo by Richard Brahm)

“The sun’s out,” the narrator in the BP ad says, “and the water’s beautiful.”

Washington lawmakers have also acted as if the Gulf’s problems have vanished. As of mid-April 2012, Congress had yet to pass into law a single piece of legislation that directly addressed the regulatory and environmental issues raised by the spill.

BP and the Gulf disaster have also been largely absent from the 2012 political debate. An Institute for South-

In the 19 Republican presidential debates held from May 2011 through January 2012, the BP disaster was only mentioned twice.

ern Studies analysis finds that in the 19 Republican presidential debates held from May 2011 through January 2012, the BP disaster was only mentioned twice. In President Obama’s January 2012 State of the Union Address, he mentioned the BP disaster only in passing in a section of the speech calling for “smart regulations.”

But today, Gulf Coast residents say the impacts of the BP disaster still reverberate across the region—indeed, oil is still washing up on Gulf shores. And a region already battered by hurricanes, a struggling economy and chronic poverty won’t be able to fully recover without the nation’s help.

As Derrick Evans, a community leader from Gulfport, Miss., told BP before its April 2012 shareholders meeting: “The oil is not gone. The general perception is that BP made a mess and BP did a big cleanup and everything is all fine. Nothing could be further from the truth.”

For this report, the Institute for Southern Studies and its partner organizations spoke with more than two-dozen community leaders across the Gulf Coast about the ongoing impact of the BP disaster in their lives. Institute researchers also analyzed hundreds of pages of government documents, legal briefs, scientific reports, community surveys and other sources documenting the aftermath of the largest oil spill in U.S. history and its lingering consequences in the Gulf.

The reality that emerges is sobering: Despite hopeful signs, two years after BP’s oil drilling disaster many people in the Gulf Coast continue to battle economic hardship and lingering health problems. In some cas-

es, Gulf communities are threatened with the loss of an entire way of life, as ocean fisheries face an uncertain future and the Louisiana coast disappears at an ever-faster rate, in part due to oil industry activity.

“The oil is not gone. The general perception is that BP made a mess and BP did a big cleanup and everything is all fine. Nothing could be further from the truth.”

These challenges affect every aspect of life on the Gulf Coast. Thao Nguyen, who worked with Vietnamese-American fishermen in Mississippi following the BP spill with the group Asian Americans for Change, describes the fallout for the region’s residents.

“Some of them are very depressed,” she says. “And they’re very sick from the oil spill, but the health care industry doesn’t want to recognize that there’s a health crisis out there right now.”

The BP catastrophe was especially devastating in a region already facing a precarious future in the wake of Hurricanes Katrina and Rita in 2005 and Gustav and Ike in 2008. Those disasters had revealed sharp fault lines of class and race that left low-income coastal communities especially vulnerable.

The BP disaster sent shockwaves through the Gulf’s still-struggling communities, testing their resiliency. Rebecca Templeton of Bayou Grace Community Services, a nonprofit in rural Terrebonne Parish, La., recalls the reaction of a neighbor after learning of the BP spill.

“Her whole body kind of slumped down, and she said, ‘Just one more thing to deal with,’” says Templeton. “I think that’s really been the response of people—that this is one more negative impact that people in our communities have to deal with. Although we celebrate our resiliency, I think there comes a point where people truly hit a wall and don’t know what to do next. I fear that people have begun to hit that wall.”

As this report documents, community leaders like Evans, Nguyen and Templeton have been part of a growing movement to ensure justice for Gulf residents and build a more sustainable future. Facing tremendous odds, their efforts have been nothing short of inspiring, helping thousands to rebuild their lives and livelihoods: advocating for fishing families, protecting neighbors from health dangers, and devising innovative projects to create jobs and protect the vanishing coast.

But while the people of the Gulf Coast have shown they are ready and willing to defend their communities, they also know they can’t do it alone. To ensure a healthy and vital future for the Gulf Coast, they’ll need the nation’s help.

The nation has a direct interest in ensuring a full recovery in the Gulf Coast. The region accounts for over 40 percent of total U.S. oil-refining capacity, 20 percent of total U.S. commercial seafood production, and five of the top 10 U.S. ports. The Gulf of Mexico and the region’s coastline are natural treasures.

The April 2010 BP disaster was a direct result of the nation’s need for Gulf oil—making Gulf recovery a national responsibility.

“These people [in the Gulf] are carrying the infrastructure for the rest of our country,” says Mary Thomas of the Louisiana Bucket Brigade, a grassroots environmental advocacy group based in New Orleans. “They’re out there risking their lives so we can have oil and gas every day to do everything we do in our country. They should be at the top of everyone’s priority list. They are making a lot of our livelihoods possible.”

On June 15, 2010, nearly two months after the explosion of BP’s Deepwater Horizon rig, President Barack Obama pledged the nation’s long-term support to ensure the problems triggered by the disaster were addressed:

“Already, this oil spill is the worst environmental disaster America has ever faced. And unlike an earthquake or hurricane, it’s not a single event that does its damage in a matter of minutes or days. The millions of gallons of oil that have spilled into the Gulf of Mexico are more like an epidemic, one that we will be fighting for months and even years.”

As this report documents, Gulf Coast communities continue to battle the aftermath of BP’s oil disaster—and they will need the country to honor its promise of full recovery to prevail. ▣

GULF RECOVERY INDEX

Economy and Way of Life

Rank of the oil industry among the largest industries in the Gulf of Mexico: **1**

Rank of the tourism industry: **2**

Rank of the fishing industry: **3**

Portion of domestic seafood consumed in the lower 48 U.S. states that's harvested from Louisiana waters: **1/3**

Percent of oysters caught in the U.S. that comes from the Gulf Coast: **70**

Portion of Louisiana jobs related to seafood: **1 out of 70**

At the peak of the BP disaster, percent of Gulf waters closed to commercial and recreational fishing: **almost 40**

Since the disaster, percent increase in the price of peeled Louisiana shrimp, attributed to short supply: **50**

Amount of losses Louisiana oysterman Terrence Shelley estimates the disaster could cause to his business by 2017, when his operations are expected to fully recover: **\$20 million**

Percent by which Louisiana oysterman Greg Perez reported seeing his catch decline since the BP disaster: **75**

Pounds of brown shrimp that Louisiana shrimper Tuan Dang was able to catch in four days before the BP oil spill: **4,000**

Pounds he now catches in a week: **800**

Percent of residents of three Louisiana coastal communities surveyed in 2011 who said they needed economic assistance after the BP disaster but had not received any: **almost 25**

Amount BP has paid out in claims to date: **\$6.6 billion**

Number of new deepwater rigs expected to begin operating in the Gulf in 2012: **8**

Total number that would bring the count to: **29**

Profit BP made in 2011: **almost \$26 billion**

Profit the four biggest oil companies—BP, Chevron, ExxonMobil and Shell—made between 2005 and 2010: **\$546 billion**

Number of employees they eliminated from their payrolls during that same period: **11,200**

(For sources, see page 31)

PART 1

Protecting a Way of Life

It breaks my heart to see the fishermen here in Hancock County, Miss. or in the coastal parishes in Louisiana or South Alabama lose their way of life as small family commercial fishermen, oyster folks, shrimpers, or subsistence fishers who fish off bridges for their lunch and dinner. That's a very old and deeply embedded way of life down here that has been fundamentally altered.

- Derrick Evans, Turkey Creek Community Initiatives, Mississippi

Two years after the BP disaster closed 40 percent of Gulf waters to commercial and recreational fishing, officials claim that the region's vital seafood industry—which accounts for 20 percent of all U.S. seafood production and is valued at \$2.3 billion annually in Louisiana alone—has come back.

A BP spokesperson recently told the New Orleans

“They’re just sitting by their boats, hoping and praying that the fishing industry comes back.”

Times-Picayune that shrimp prices and supply remain “within historic ranges.” But the chair of the Louisiana Seafood Promotion & Marketing Board challenges that claim, reporting short supplies since the spill.

Commercial fishermen and seafood processors also report that shrimp catches have dropped dramati-



A shrimp trawler in Chauvin, La. in Terrebonne Parish. After a below-average season in 2011, shrimpers are hoping the harvest rebounds in 2012. (Photo: Alysha Jordan)

Searching for alternatives in New Orleans East

In Village de L'Est, a neighborhood 20 minutes east of downtown New Orleans with a thriving Vietnamese community, residents have learned a lot about recovering from disasters.

After Hurricane Katrina devastated the area in 2005, the local Mary Queen of Vietnam Church Community Development Corp. became a catalyst for rebuilding, at first offering relief assistance and then tackling ambitious projects to reconstruct houses, businesses and a school.

By 2010, the New Orleans East community had become a success story of the post-Katrina recovery, and more than 60 percent of the neighborhood had returned. And then, with the BP oil spill, disaster struck again.

“Two-thirds of the shrimping vessels in the Gulf were Vietnamese-owned, and one in three Vietnamese were in the fishing industry directly,” says Daniel Nguyen, project manager for the group. “A huge percentage of the population was directly impacted by the oil spill.”

Overnight, the unemployment rate shot up. Fishing boats were idled, not only causing a loss of income—disastrous for families that had already been racking up debt since Katrina—but also taking food from family tables. Nguyen’s group estimates that 25 percent of the catch brought home by Vietnamese fishers was for subsistence use.

Although they met resistance at first, Mary Queen of Vietnam and other groups persuaded the officials running the BP fund set up to pay spill victims to compensate fishers for subsistence losses.

But what if the fishing industry never fully rebounded? What was the community’s long-term economic plan?

At a November 2010 summit, local leaders came up with a plan: They’d draw on the community’s farming and gardening expertise to create an urban farmers cooperative, using the latest sustainable techniques like aquaponics, where plants float in water nourished by waste from nearby fish tanks. With help from Oxfam and other sources, a pilot project was launched.

“Community members developed [the] aquaponics project to address those two issues of workforce development and subsistence use,” says Nguyen, “being able to

use the product of your labor to directly feed your family and your neighbors.” They’re also developing connections with distributors in hopes of selling their produce in area grocery stores and restaurants.

The project is still in its infancy, and it’s one of many approaches Mary Queen of Vietnam CDC is looking at to help residents recover. But Nguyen reports that already



Daniel Nguyen holds up a plant grown using aquaponics, an urban gardening strategy that Mary Queen of Vietnam Community Development Corp. is exploring as one alternative to the still-reeling fishing industry in their New Orleans East community. (Photo by Chris Kromm, Institute for Southern Studies)

some families have replaced almost all of their lost fishing income. The key, Nguyen says, is that the community helped create the project, and they believe in it.

“[The aquaponics project] was something designed by fisherfolks, it’s owned and operated by fisherfolks,” says Nguyen. “It’s a way for them to very concretely get back on their feet.” □

cally in areas affected by the spill, while Mississippi's oyster reefs remain closed. Many fishermen across the region have been idled.

"They're just sitting by their boats, hoping and praying that the fishing industry comes back," says Thao Nguyen, who worked with Vietnamese-American fishermen through the Mississippi nonprofit Asian

Uncertainty about the future for Gulf Coast economic staples like fishing, energy and tourism has pushed grassroots groups to fill in the gaps—and think big about how to transition to sustainable alternatives.

Americans for Change in the wake of the oil spill. "I don't think it is."

Indeed, an emerging body of science indicates that the BP disaster will have long-lasting impacts on the health and safety of the Gulf's marine life.

A 2012 study by scientists at East Carolina University in Greenville, N.C. confirmed that toxic compounds from BP's spilled oil have entered the marine food chain. The researchers looked specifically at polycyclic aromatic hydrocarbons (PAHs), natural components of crude oil that accumulate up the food chain and that are known to cause cancer, reproductive problems and birth defects. They found that PAHs matching the profile of those from BP's spill were present in zooplankton, small organisms that form the foundation of the aquatic food web.

Larger sea creatures haven't been spared either. Before the BP disaster, an average of 74 dolphins were stranded along the northern shore of the Gulf of Mexico each year. But from April 2010 through late March of 2012, 523 dolphins were found stranded in the spill-affected area—what the National Oceanic and Atmospheric Administration declares an "Unusual Mortality Event."

There is other evidence that the ocean ecology is still being affected. Clint Guidry, chair of the Louisiana Shrimp Association, reports that shrimpers have been catching live shrimp with no eyes, something they say they didn't see before the oil disaster. Crabbers report catching crabs with strange lesions.

The U.S. Food and Drug Administration says a study of Gulf seafood it conducted along with BP, the U.S. Environmental Protection Agency and other federal agencies found oil contamination below levels that would raise health concerns for consumers. However, there is widespread distrust of the government's findings, stemming in part from federal agencies' actions in the immediate aftermath of the BP disaster.

At a press conference held in September 2010, NOAA Administrator Jane Lubchenco declared that Gulf seafood was "free of contamination"—even though data from federal and state agencies showed that was clearly not the case. In fact, tests conducted by the federal government and state agencies found that 24 percent of all Gulf seafood and 43 percent of all Gulf oysters sampled through August 2010 contained PAHs. In addition, the FDA's determination that the contamination wasn't enough to threaten health assumed a level of seafood consumption that was far below the average for Gulf residents.

The result is that many fishers don't trust the safety of their catch. "They're afraid of the seafood," says United Houma Nation outreach coordinator Clarice Friloux, who works with many commercial fishermen. "Should they bring it home to their families? Should they have it be sold worldwide?"

"They're afraid of the seafood. Should they bring it home to their families? Should they have it be sold worldwide?"

The economic dislocations in the wake of the BP disaster have sent shockwaves through a Gulf region still struggling to recover from Katrina and other hurricanes. Many Gulf Coast communities have reported a rise in alcohol and drug abuse, domestic violence and mental health issues.

The growing Gulf Dead Zone

The 200 million gallons of crude oil that gushed from BP's well in 2010 upset a delicate ocean environment already facing a variety of dire threats.

One of these is the Gulf Dead Zone, a swath of ocean unable to support life. The Gulf Dead Zone is caused by the runoff of nitrogen and phosphorus from farms and sewage treatment plants throughout the Mississippi River basin, which drains 31 states from the Appalachians to the Rockies. The nutrient pollution stimulates excessive algae growth; when the algae die, the decomposition depletes oxygen and suffocates marine life.

The Gulf Dead Zone has doubled in size since 1985, measuring 6,765 square miles in 2011—the largest Dead Zone in North America and the second largest in the world. It's been estimated that the Gulf Dead Zone results in a loss to Louisiana fishermen of 470 million pounds of seafood every year. And high levels of nitrogen in drinking water, as well as algae blooms, can be toxic to humans and animals.

The national scope and multi-state nature of the problem demands federal attention. But while the U.S. Environmental Protection Agency has long acknowledged the Gulf Dead Zone is a growing concern, to date there has been little action.

In March 2012, the Natural Resources Defense Council filed two lawsuits on behalf of the Mississippi River Collaborative, a coalition of environmental groups, to spur the agency to issue regulations curbing nutrient pollution.

"The ecology and economy of the Gulf of Mexico have paid the price for EPA's endless dithering about Dead Zone pollution," says Matt Rota, director of science and water policy with the nonprofit Gulf Restoration Network, which is a member of the suing coalition. "The most meaningful action the EPA can take is to set limits on the amount of these pollutants allowed in the Mississippi River watershed so that the fish and the fisheries can recover."

In 1998, the EPA called on states to adopt limits on nitrogen and phosphorus, promising it would set federal limits if states failed to comply by 2003. So far, out of the 10 states that the Mississippi either borders or flows through, only Minnesota and Wisconsin have



The Gulf Dead Zone, shown here in a 2010 NASA satellite image, grew to 6,765 square miles in 2011. (Photo by NASA)

taken significant steps to rein in the offending pollutants—but the EPA has failed to step into the void.

The lawsuit challenges two decisions made by the EPA during the Bush administration. In 2008, the EPA rejected a petition demanding the agency create rules for lowering pollution and a cleanup plan. And in 2007, the agency failed to act on a petition asking it to upgrade standards for sewage treatment plants to include nitrogen and phosphorus pollution.

"EPA's failure to implement the Clean Water Act's protections against nutrient pollution has allowed water quality impairments and public health risks to increase dramatically over the last several decades," says Kelly Foster of the Waterkeeper Alliance, which is also involved in the lawsuits. "Every person has a right to clean water, and the EPA has a duty to ensure that our nation's waters are safe for swimming, drinking and fishing." □

In the Alabama coastal community of Gulf Shores, for example, police reported a 33 percent jump in domestic violence calls in the 10-month period after the spill compared to the 10-month period before the spill. A 2011 study by University of Maryland researchers found that residents of Gulf Coast communities

“For the Southeast portion of the United States it seems that we’ve just had one thing after another. The stress of it has caused folk who were fine before to now be faced with mental health issues.”

showed clinically significant signs of anxiety and depression in the months following the oil spill.

“The stressors of the hurricane [Katrina], the BP oil spill, the housing bubble bursting, the economic downturn—for the Southeast portion of the United States it seems that we’ve just had one thing after another,” says Teresa Bettis, executive director of the Center for Fair Housing in Mobile, Ala. “The stress of it has caused folk who were fine before to now be faced with mental health issues.”

Following the Deepwater Horizon disaster, BP set up a \$20 billion fund to compensate Gulf Coast residents and businesses for losses. The Gulf Coast Claims Facility administered by Obama appointee Kenneth Feinberg to adjudicate claims paid out \$6.1 billion to more than 225,000 claimants—less than a quarter of those who sought compensation.

“We see a lot of inequitable treatment of claims,” says Stephen Teague, an attorney with the Mississippi Center for Justice, a nonprofit law firm that has been assisting people with claims. “There are lots of problems that pervade the process.”

And now, changes in BP’s compensation process are bringing more uncertainty: The proposed settlement of a class-action lawsuit against the company that was announced in February 2012 would replace the

claims facility with a court-supervised claims center. That settlement was moving toward finalization as the disaster’s two-year anniversary approached but must still be approved by the court.

Uncertainty about the future for Gulf Coast economic staples like fishing, energy and tourism has pushed grassroots groups to fill in the gaps—and think big about how to transition to sustainable alternatives.

In Louisiana, the United Houma Nation provides members with financial assistance to help with things like utility bills and medication, and also offers vocational training for those members who want to change occupations.

Asian Americans for Change in Biloxi, Miss. also works to connect the people it serves with financial assistance and education. It has partnered with the Mississippi Department of Employment Security and a local college to establish classes in computers, electrical training and welding to help unemployed fishermen find work on coastal restoration projects.

“The classes are filling up fast,” Nguyen reports.

Also in Mississippi, the nonprofit Coastal Women for Change has begun offering financial literacy classes and is working with community members to work together on addressing their economic hardships.

“We can’t do it separately,” says Executive Director Sharon Hanshaw. “When you’re by yourself and you feel like, ‘I have to get this job for me,’ and you’re not thinking about your neighbor next door, that’s not healthy. So we’re just trying to teach them collaboration and how to partner with your neighbor, partner with local organizations, and to just befriend people.”

Across the Gulf Coast, groups are calling for new resources, such as fines levied against BP, to be put towards job creation in areas like coastal restoration. Many Gulf organizations had hoped that the federal government’s stimulus program launched in 2009 would help jumpstart such recovery programs. But by the end of 2011, the five Gulf Coast states had received just under \$1,455 per capita in stimulus spending, well under the national average of \$1,645.

“I see firsthand the effects for local fishermen, restaurant workers and others that have been hit hard by the BP oil disaster,” says James Crowell, president of the NAACP in Biloxi, Miss. “People ... share similar stories of spill-induced job shortages, less hours for hourly wage earners, and rough economic times that could be remedied by putting people back to work on restoration projects. Restoration of the Gulf Coast can be an engine for economic recovery.” □

GULF RECOVERY INDEX

Losing Coastal Land

At current erosion rates, minutes it takes for a football field-size piece of Louisiana's coastal wetlands to disappear into the Gulf of Mexico: **60**

Area of land in square miles that Louisiana has lost since the 1930s: **1,880**

Additional square miles the state has the potential to lose over the next 50 years: **1,750**

Square miles of Louisiana land lost during the period between 2004 and 2008 alone, when hurricanes Katrina, Rita, Gustav and Ike hit the Gulf Coast: **328**

Number of years it would have taken to lose that much land previously: **25**

Percent of Louisiana's coastal land loss that scientists estimate can be attributed to oil and gas industry activity: **40 to 60**

Estimated depth in inches Louisiana's land sinks each year in places due to oil and gas being sucked from the ground: **.5**

Length in miles of oil and gas pipelines running through Louisiana's coastal wetlands, the cuts for which allow saltwater to enter marshes, killing trees and other plants and speeding land loss: **125,000**

Miles of Gulf Coast shoreline contaminated by oil from the BP disaster, which exacerbated land loss by killing coastal vegetation: **1,096**

Number of people who reside along Louisiana's coast: **2 million**

Average annual loss to Louisiana's coastal property owners from erosion: **\$50 million**

Estimated annual cost of damages from flooding in coastal Louisiana: **\$2.4 billion**

Amount that's expected to climb to if nothing more is done to address the land-loss problem: **\$23.4 billion**

Miles of wetlands that it takes to absorb one foot of storm surge: **2.7**

Percent of total U.S. coastal wetlands that are in Louisiana: **40**

Percent of annual U.S. waterborne commerce supported by Louisiana's coastal wetlands: **20**

Percent of the nation's commercial fisheries landings provided by Louisiana, measured by weight: **26**

Estimated annual impact of the state's recreational fishing industry: **\$895 million to \$1.2 billion**

Number of birds for which Louisiana's coastal wetlands provide winter habitat: **more than 5 million**

Number of rare, threatened and endangered species that lives in Louisiana's coastal wetlands: **more than 70**

Date on which the Louisiana Coastal Protection and Restoration Authority unanimously approved a master plan for coastal restoration, sending it to the legislature for action: **3/21/2012**

Amount that plan proposes spending over the next 50 years: **\$50 billion**

(For sources, see page 31)

PART 2

Defending a National Treasure

I'd love my son, who's 15 years old, who dreams of being able to grow up and live in the same community that I did—that he has that option to grow old in the same place that his grandfather is growing old. And I think right now he wonders, "Will I have that option?" So my dream is that Jacob gets to raise his family there and make his living there and continue to do the things that he loves to do in the place that he loves the most.

- Rebecca Templeton, Bayou Grace Community Services, Louisiana

The Gulf Coast is a national treasure. A richly diverse ecosystem and the lifeblood of the Gulf's fishing and tourism industries, Louisiana alone is home to 40 percent of the wetlands in the contiguous 48 states.

But for decades, the coast and the life it supports have been under attack, causing the land itself to vanish—a problem caused in large part by cutting channels for pipelines that support offshore oil drilling, and which may have been exacerbated by the BP's spilt oil washing on coastal shores.

"Louisiana's coastal wetlands are disappearing," says Aaron Viles, deputy director of the Gulf Restoration Network (GRN). "We have a coastal wetlands crisis really unrivaled anywhere else in the nation."

Every hour, an area of Louisiana wetlands equal to the size of a football field disappears into Gulf waters. That's a loss of more than 1.5 million square feet per day—as much as 40 square miles each year.

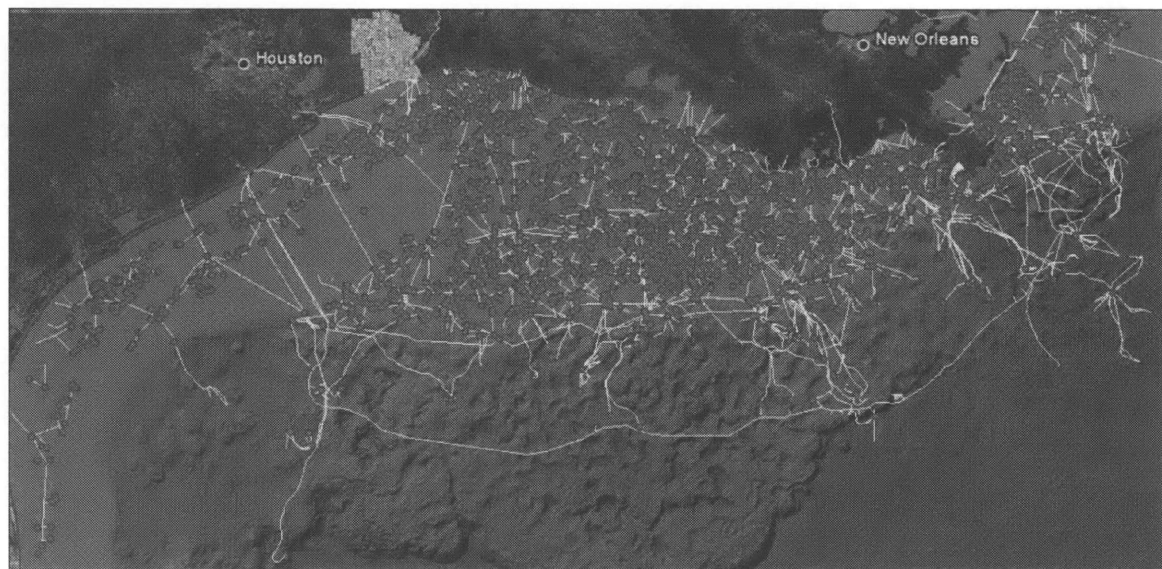
Part of that loss is due to the federal government's decision to build a vast system of levees and other structures decades ago that has starved coastal wetlands of the replenishing sediments they need.

"America's energy needs are killing us."

But as much as half of that land loss is attributed to oil and gas drilling activity. Energy companies have cut tens of thousands of miles of canals through Louisiana's coastal wetlands, allowing saltwater to flow in and destroy the vegetation that holds the soil in place.

In April 2010, when BP's Deepwater Horizon rig exploded off the Louisiana coast, it further compromised the vulnerable coastal ecology.

Immediately after the disaster, spilled oil washed up



A maze of oil pipelines (yellow) and drilling platforms (red) cut into the Gulf Coast has been credited with accelerating land loss. (Image courtesy of SkyTruth)

A matter of cultural survival

Saving Louisiana's disappearing coast is not only about protecting land—it's also about preserving a unique way of life. Generations of French-speaking Creoles and Cajuns, African-Americans, and Native Americans have called the Gulf Coast home, and more recently immigrants from Vietnam and Latin America have arrived, making the region one of the most culturally diverse in the country.

One of Louisiana's largest Indian tribes is the United Houma Nation, many of whose 17,000 members make their homes in rural Terrebonne and Lafourche parishes—among the most imperiled by coastal land loss.

Pushed out of their historic settlements further north in Louisiana by European colonists centuries ago, the Houma moved south into the coastal bayous and swamps, where they made a life hunting, trapping and fishing. Today, many Houma still live off the land as commercial and subsistence fishermen, but they fear their communities and ancient way of life could soon disappear.

Former United Houma Nation Chief Brenda Dardar Robichaux remembers attending a conference on coastal land loss, where a researcher stood before a map of Louisiana and marked off the parts of the state likely to disappear into the Gulf. It included most of the lands where the Houma people now live.

"According to the [2012 Coastal] Master Plan, we may be gone in 50 years," says Clarice Friloux, outreach coordinator for the United Houma Nation. "Even a hurricane could wipe out lower Terrebonne Parish or Lafourche Parish."

Wetlands loss affects all of the Native tribes in coastal Louisiana, including the Houma, Pointe-au-Chien, and Biloxi-Chitimacha-Choctaw. Gulf Coast community leaders say

this makes coastal land loss not just an environmental issue, but also a human rights concern. The United Nation's Guiding Principles on Internal Displacement, a governing set of international standards, say that, "States are under a particular obligation to protect against the displacement of indigenous peoples, minorities, peasants, pastoralists and other groups with a special dependency on and attachment to their lands."

Friloux and others are calling for coastal restoration projects, including the rebuilding of Louisiana's barrier islands, to protect their communities—and way of life—from erasure. But in some areas, it's already too late: The leadership of the Biloxi-Chitimacha-Choctaw has already announced that the tribe plans to leave its home on Isle de Jean Charles in south Terrebonne Parish to seek a new home on higher ground following repeated flooding.

"Let our people stay where their ancestors are from and not tell them that they have to relocate to another community and change their way of life," Friloux says. "They want to live on the bayous. They want to speak their French language. They want to be able to have seafood balls outside. They want to be able to start up their mudboats outside. In a subdivision—you will not start a mudboat in a neighborhood like that." ■



Rapid erosion of the Louisiana coast, which has been accelerated by pipelines cutting through sensitive wetlands, has caused water to steadily encroach on many coastal communities. This road to Isle de Jean Charles, a ridge of land in Terrebonne Parish and home to members of the Biloxi-Chitimacha-Choctaw tribe, must be continually reinforced as the water threatens to overtake it. (Photo by Alysha Jordan)

on coastal marshlands, killing grasses and other vegetation. Scientists are still studying the long-term impact of oil pollutants on vegetation that holds coastal land in place. In other areas, BP removed oiled sand from coastal areas without replacing it.

Also unclear are the long-term implications of the BP spill on coastal animals that make it a uniquely diverse ecosystem. A 2012 study by researchers at the University of Houston estimates that the oil reduced crab, insect and spider populations in the delicate ecosystems by up to 50 percent.

To many in the Gulf Coast, the BP disaster brought into sharp relief the costs of energy development to Louisiana's threatened coast.

"America's energy needs are killing us," says Patty Whitney, an organizer with Bayou Interfaith Shared Community Organizing (BISCO), a grassroots nonprofit founded by clergy after Hurricane Andrew in 1992 that works with churches in the south Louisiana parishes of Terrebonne, Jefferson and Lafourche.

In the wake of the BP disaster, BISCO has mobilized coastal communities to address public health concerns, as well as to give voice to residents seeking a fair plan for coastal protection and restoration. Like many groups, they've been met with resistance from energy and political interests who argue it would be too costly.

"We're in part of Louisiana's coast that's rapidly vanishing and is going to be very expensive to restore—and there are some who feel it's going to be too expensive and our community should just be allowed to disintegrate into the Gulf of Mexico," Whitney says.

But the efforts of groups like BISCO may be finally paying off. In recent years, a wide range of legal, advocacy and grassroots groups have coalesced around shaping the state's 2012 Coastal Master Plan, a 50-year, \$50 billion blueprint for coastal restoration.

When the first draft of the plan wasn't strong enough, coastal communities organized to make sure their voices were heard. One of those groups was Bayou Grace Community Services, a nonprofit group serv-



Oil spilled from BP's Gulf of Mexico well burned into miles of coastal marshes. The long-term impact is still unclear. (Photo by Thomas Bianchi, Texas A&M University)

ing south Louisiana's lower Terrebonne Parish. After the BP disaster, the group began hosting community dinners and was contacted by state officials who wanted to use those gatherings to discuss the coastal plan.

"The first dinner was the state telling the people what was going on," says Executive Director Rebecca Templeton. "By the third dinner that the state attended, we broke out into small work groups and they reported back to the state, and it was a way for people to comment on the draft plan. I feel like people left that dinner knowing that at least their concerns had been heard."

"We have a coastal wetlands crisis really unrivaled anywhere else in the nation."

After receiving thousands of public comments about the issue, officials amended the plan to include more wetlands restoration in the area.

In March 2012, the Louisiana Coastal Protection and Restoration Authority sent the Master Plan to the state legislature for an up-or-down vote. While the plan includes constructing new levees in south Louisiana, it also includes carving holes in existing levees to divert sediment from the Mississippi and Atchafalaya rivers to build land, protecting coastlines with rocks and oyster reefs, and elevating homes and other buildings.

As much as half of the land loss along the Gulf Coast is attributed to oil and gas drilling activity.

The plan has widespread support among Louisiana voters, with an April 2012 poll funded by the National Audubon Society finding that 86 percent of all Louisiana voters support it.

“Voters clearly realize that the state master plan is critically important to saving Louisiana as we know it because it will protect jobs, communities, fisheries and wildlife,” according to a joint statement from the Coalition to Restore Coastal Louisiana, Environmental Defense Fund, Lake Pontchartrain Basin Foundation, Louisiana Wildlife Federation, National Audubon Society, National Wildlife Federation, and The Nature Conservancy. “That’s why it’s no surprise that such an overwhelming majority of voters in the state believe that coastal areas and wetlands can—and must—be saved.”

But worries remain. Oystermen and shrimpers fear that freshwater diversions into estuaries will harm saltwater fisheries. It’s an especially pressing concern for African-American fishing communities along Louisiana’s coast, whose way of life was already endangered before the BP disaster. And many of the communities BISCO and Bayou Grace work with are excluded from proposed levee protections or otherwise may not be fully protected from the encroaching Gulf, including Native Americans with a long history in the region.

“We’re talking about communities that have been here since before America was America,” says Whit-

ney. “And now they’re being told, ‘You can’t live here anymore because we’ve decided to engineer you into the Gulf of Mexico.’ It’s critical that we deal with this.”

There are also concerns about paying for the Master Plan. Speaking at a forum in New Orleans in March 2012, U.S. Sen. Mary Landrieu (D-La.) noted that financing depends in part on the RESTORE Act, legislation she sponsored that would direct 80 percent of the \$5 billion to \$20 billion in federal Clean Water Act penalties expected to be levied against BP for the oil spill disaster to the five Gulf states.

Since the BP disaster, Gulf Coast groups have insisted that the fines should go to coastal restoration efforts rather than disappear into the federal treasury.

The U.S. Senate passed the RESTORE Act as a part of the transportation bill in early March 2012. It went on to the House, which did not take it up immediately. However, the week of the disaster’s two-year anniversary, members did pass their own transportation legislation that included the RESTORE Act. Those two bills will now be sent to a conference committee that will finalize language on how the money will be distributed among the Gulf states.

With the coast’s heritage and future at stake, Gulf organizations say they plan to continue their fight to see the RESTORE Act passed into law, and for the land and communities they love.

“We live the coast, we breathe the coast,” says BISCO organizer David Gauthé. “And we want to try to save the coast.” ■

A new watchdog for the Gulf's ongoing 'mini-disasters'

BP's Deepwater Horizon disaster was the biggest oil spill in history, but it was far from an isolated incident.

In 2010, the same year as the BP calamity, there were more than 3,500 oil spills in Louisiana and waters off the state's coast, according to incident reports collected by the federal government and analyzed by the Louisiana Bucket Brigade. That was 1,000 more incidents than were reported in 2009, with the vast majority—83.2 percent—occurring in federal Gulf of Mexico waters.

Most of these mini-oil disasters were not reported by the parties responsible for the spill, but were discovered by fishers, boaters and other outside sources.

In an effort to better monitor chronic oil pollution in the Gulf of Mexico, three organizations launched the Gulf Monitoring Consortium in 2011 to document spills using the latest mapping and reconnaissance technology.

SkyTruth, a West Virginia-based non-profit organization, brings experience in remote sensing and digital mapping technology. SouthWings, a North Carolina-based group, provides skilled pilots to help with aerial monitoring for conservation efforts across the Southeast. The Waterkeeper Alliance unites a collection of local activists to help collect, analyze and publicize the results.

SkyTruth played a critical role in the early days of the BP disaster, accurately calculating that the amount of oil spilling into the Gulf was at least 20 times greater than official estimates from BP and the Coast Guard.

The consortium aims to “systematically evaluate reported or suspected pollution incidents in a coordinated approach from space, from the air, and on the water, so we can fill the dangerous information gap that currently exists,” says SkyTruth President John Amos.

The stepped-up monitoring efforts led to the discovery of an oil spill that has been going on 11 miles off Louisiana's coast since 2004, when an undersea landslide during Hurricane Ivan damaged an offshore oil platform and 28 wells owned by Taylor Energy, a New Orleans oil company now owned by the Korea National Oil Corp. and Samsung C&T Corp.

The Waterkeeper Alliance estimates that hundreds of gallons of oil have leaked from the site every day for over seven years.

In February 2012, a group of environmental organizations represented by the Tulane Environmental Law Clinic sued Taylor Energy over the spill, using citizen lawsuit provisions of the Clean Water Act and the Resource Conservation and Recovery Act. In the lawsuit, the plaintiffs argue that the secrecy surrounding the spill has made it impossible to assess whether the company's response has been reasonable.

“The Taylor oil spill is emblematic of a broken system,” says Justin Bloom, eastern regional director for the Waterkeeper Alliance. “Oil production is prioritized over concerns for human health and the environment.” □



This satellite image, annotated by SkyTruth, shows an oil leak from a Taylor Energy site 11 miles off the Louisiana coast that's been ongoing for seven years; it's juxtaposed here with the larger slick from the BP disaster. (Image courtesy of SkyTruth)

GULF RECOVERY INDEX

Environmental Health

Since the BP oil disaster began unfolding in April 2010, through March 25, 2012, number of dolphins found stranded in the spill-affected area: **523**

Percent of those recovered alive: **5**

Factor by which the strandings exceed the historical average for a similar time period: **4**

Factor by which strandings in Louisiana in 2011 exceeded the historical average: **8**

Of 43 coral colonies near BP's failed well, percent that have been damaged by the oil spill: **86**

Percent of the colonies that show signs of severe stress on almost all of the coral: **23**

Percent reduction in the number of crabs, insects and spiders in coastal salt marshes that were affected by the spill but not heavily oiled: **up to 50**

Number of years after the Exxon Valdez oil spill in Alaska's Prince William Sound that clams, mussels, sea otters and killer whales are still considering "recovering": **23**

In a survey conducted in Louisiana coastal communities shortly after BP's well was capped in 2010, percent of residents exposed to crude oil or dispersants who reported unusual health problems consistent with chemical exposure: **almost 75**

Of a dozen people exposed to BP's oil-spill pollution who had their blood collected by the Louisiana Environmental Action Network (LEAN) in the fall of 2010 and tested in a professional lab, percent with high levels of various toxic compounds found in crude oil: **100**

Date on which LEAN members collected samples of sea foam from an Alabama beach that when tested showed a similar chemical makeup to BP's spilled oil: **2/27/2012**

In tar balls that washed up on the Alabama coast following the BP spill, number of times that the levels of *Vibrio vulnificus*—the bacteria that's the leading cause of death from eating bad oysters—exceeded those in the sand they rested on: **10**

In the water they floated in: **100**

Month in which scientists at East Carolina University in Greenville, N.C. published a study that found oil bearing the BP disaster's fingerprint had worked its way into the marine food chain: **3/2012**

According to a peer-reviewed scientific study published in 2011, number of times higher the risk associated with Gulf seafood consumption actually could be than what was officially calculated by the federal Food and Drug Administration: **10,000**

Number of whistleblowers that the Government Accountability Project is currently working with regarding public health and safety threats related to the BP disaster that contrast with statements made by BP and government officials: **more than 25**

Number of workers estimated to have participated in the post-BP oil spill cleanup: **90,000**

Number that the National Institute of Environmental Health Science aim to monitor over a decade to assess health impacts from the spill: **40,000-50,000**

(For sources, see page 31)

PART 3

Fighting for Healthy Communities

It's a lot of people in our community that are sick. Some of them have died. Some of them are too sick to even work right now, and not only the workers but their families and the people that have eaten fish and seafood from the water.

- Glenda Perryman, Immaculate Heart Community Development Corp., Mississippi

Within weeks after BP's failed well began spewing oil into the Gulf of Mexico, reports began emerging that cleanup workers and residents of spill-affected coastal communities were suffering from troubling illnesses—health problems consistent with exposure to the kinds of chemicals found in crude oil as well as the petroleum-based chemical dispersants sprayed from airplanes to break up the massive oil slick.

By mid-June 2010, 143 cases of oil exposure-related illnesses had been reported to the Louisiana Department of Health and Hospitals, three-quarters of them involving cleanup workers. Cleanup workers also re-



Women collect oil waste in Grand Isle, La. in May 2010. Many cleanup workers now report health problems related to exposure to oil and chemical dispersants—as well as problems accessing medical care. (U.S. Coast Guard photo by Petty Officer 3rd Class Ann Marie Gorden)

The National Institutes of Health is sponsoring a study that will assess the impact of the disaster on cleanup workers and volunteers.

ported they were being denied access to respirators and other protective gear. The Louisiana Environmental Action Network (LEAN) stepped in to provide respirators and other equipment to cleanup crews, but workers say they were told they would be fired if they tried to use it.

As the months passed, warning signs emerged of a possible public health crisis related to the spill. A door-to-door survey of almost 1,000 households

conducted by the nonprofit Louisiana Bucket Brigade (LABB) across Southeast Louisiana from July through October of 2010 found that 46 percent of those surveyed were exposed to oil or dispersant. Of those exposed to the chemicals, 72 percent reported at least one symptom such as nausea, dizziness and skin irritation—all linked to chemical exposures.

“I’d like people to admit that this is an issue that needs to be addressed,” says Mary Thomas, a com-

Keystone pipeline battle highlights threats to Gulf's fenceline communities

Pollution from oil spills—large ones like the BP disaster, and the hundreds of smaller ones that happen every year—is not the only health threat Gulf Coast residents face from the energy industry. The Gulf is also a national center for oil refineries, which pose many of the same health and environmental risks—and plans for a Canadian-U.S. pipeline mean the danger to Gulf communities could soon grow.

Louisiana is home to 33 petroleum manufacturing facilities listed in the Environmental Protection Agency's Toxics Release Inventory (TRI) database of industrial pollution. In 2010 alone, they emitted more than 5.2 million pounds of toxic chemicals to the air and another 4.4 million pounds to surface waters—much of it into the Gulf-bound Mississippi River and its tributaries. The stretch of the river between Baton Rouge and New Orleans has been dubbed “cancer alley” because of the high rate of pollution-related illness.

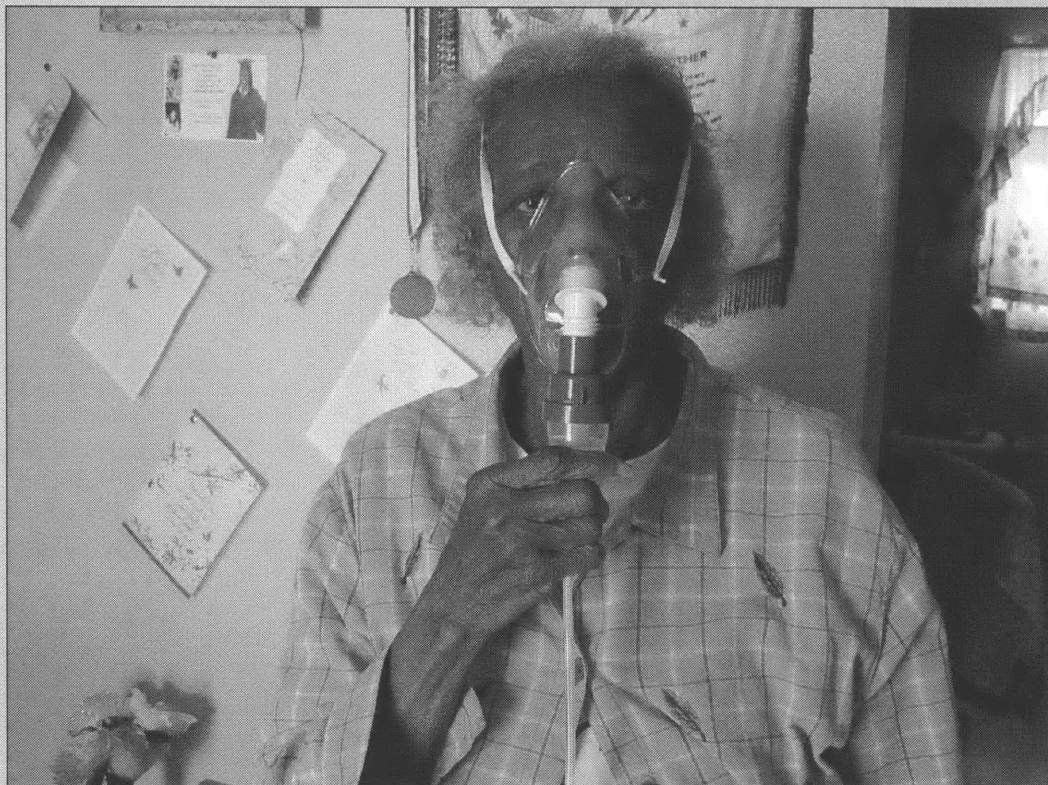
Galveston County, Texas, another coastal area impacted by the BP disaster, is also a refining center where over 1 million pounds of toxic chemicals were released to the air and another 600,000 pounds to surface waters in 2010. An hour's drive north is Houston, the seat of Harris County, where a dozen petroleum facilities released over 3.4 million pounds of toxic chemicals to the air and surface waters that year. In nearby Jefferson County, it was more than 2 million pounds.

The pollutants coming from these refineries include cancer-causing chemicals such as benzene, heavy metals and polycyclic aromatic hydrocarbons—pollutants that were also released in large quantities by the BP oil spill.

Just as communities have stepped up to demand accountability from BP and other offshore drillers, a grassroots movement has arisen to monitor refinery pollution and protect “fenceline” neighborhoods that suffer the most exposure.

A key moment came in 1998, when residents of Mossville, La. banded together to monitor air pollution from the refineries and chemical-manufacturing facilities surrounding the historically African-American community. The residents used a simple, low-cost technology developed by attorney Edward Massey after he and environmental advocate Erin Brockovich became sick from pollution released by a California petroleum refinery. It involves drawing air into a special plastic bag housed inside a five-gallon bucket, which is then sealed and sent to a laboratory for analysis.

Inspired by the simple sampling kits, which Mossville residents used to prove companies were releasing illegal levels of pollution into their community, so-



Port Arthur, Texas resident Erma Lee Smith suffers from respiratory problems she blames on air pollution from nearby oil refineries. If the Keystone XL pipeline is built, that pollution would get worse. (Photo by Rocky Kistner, Natural Resources Defense Council)

called “bucket brigades” spread throughout Louisiana’s industrial corridor. This led to the formation of the Louisiana Bucket Brigade, a New Orleans non-profit that works with similar communities to document and expose toxic pollution.

Further west, the Houston-based Texas Environmental Justice Advocacy Services, or TEJAS, is working in neighborhoods near chemical plants and refineries along the Ship Channel leading to the Port of Houston. One of the group’s current campaigns is opposing TransCanada’s Keystone XL pipeline, a proposed project that would pipe crude from the tar sands of Canada to refineries on the Texas Gulf Coast.

In November 2011, following mass protests at the White House, the Obama administration announced it was delaying the project. But TransCanada is now focusing on winning approval for the southern segment of the pipeline that would carry crude oil to Texas refineries from the Midwest.

President Obama has said getting approval for this part of the project is a “priority” for him. But environmental advocates fear that the pipeline will end up carrying tar sands oil, which is much dirtier than conventional crude with higher levels of heavy metals and other toxic pollutants.

TEJAS organizer Bryan Parras worries that the national discussion over the Keystone XL pipeline has too often overlooked the impacts in the low-income and disproportionately African-American and Latino communities where the crude would be refined. But in Houston, he sees the efforts of TEJAS and other groups starting to pay off.

“The level of awareness has changed,” Parras says. “There has been a lot more focus in general on environmental issues, and toxic exposure, and cumulative risk, and so the communities are a little more capable of demanding cleaner facilities, better legislation. But we haven’t seen an overall shift in policy on reducing those chemicals within those communities, so there is still a lot of work to be done.” □

munity public health nurse who worked with LABB after the oil spill. “I think some people want to brush it under the rug.”

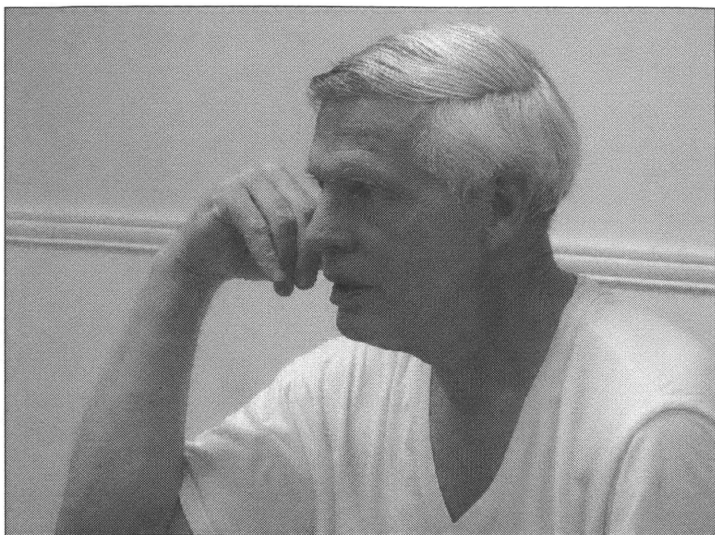
In 2011, LEAN tested blood samples from a dozen Gulf residents, fishermen and cleanup workers who had complained of health problems they believed were related to toxic exposures to oil and dispersants. All of those tested had elevated levels of toxic components of crude oil in their bodies.

The Louisiana Environmental Action Network stepped in to provide respirators and other equipment to cleanup crews, but workers say they were told they would be fired if they tried to use it.

In response to some of these health concerns, the National Institutes of Health is sponsoring a study that’s being carried out by the National Institute of Environmental Health Sciences that will assess the impact of the disaster on cleanup workers and volunteers. That study aims to follow the health impact on as many as 55,000 subjects over a decade, making it the largest study of its kind.

However, researchers have had difficulty recruiting subjects due to ongoing litigation surrounding the spill, lowering estimates of how many will eventually participate. “Some people who are involved in legal trials don’t necessarily want their information to be part of a medical study,” says Thomas.

One thing the NIH study will not do is provide medical care for subjects who are found to be suffering from health problems related to the disaster. Access to health care has always been a challenge for low-income and often uninsured communities along the Gulf Coast, and the region’s health care infrastructure was badly damaged after Hurricane Katrina and subsequent hurricanes, and still hasn’t fully recovered.



Dr. Mike Robichaux is involved in a nonprofit project offering medical care to cleanup workers and others who've had health problems related to BP's oil spill pollution. (Photo by Ada McMahon)

While BP is paying for part of the NIH study, the oil giant has been reluctant to pay for medical needs through its claims process. Last year, Gulf Coast Claims Facility Administrator Kenneth Feinberg said in an interview with the online community journal-

In early 2011, LEAN partnered with Dr. Michael Robichaux to spearhead the Gulf Coast Detoxification Project, which has treated over 50 people to date.

ism project Bridge the Gulf that while he had received a "couple hundred" illness claims related to the disaster, he had rejected them all because he has "reservations about whether those claimants can offer proof" that the BP disaster caused their ailments.

In spring 2012, there was hope among some Gulf residents that a proposed settlement in the class-action lawsuit against BP might provide more assistance to cleanup workers and others who have suffered illnesses in the wake of the BP disaster. However, a

BP has been reluctant to pay for medical needs through its claims process.

Bridge the Gulf analysis of the settlement's medical benefits by Cherri Foytlin, a journalist and activist with the group Gulf Change, suggests such compensation could be severely limited.

Besides the estimated 90,000 cleanup workers and volunteers who would be eligible for medical compensation, the settlement also provides assistance for individuals who live with a half-mile of the coast in Louisiana, Mississippi, Alabama and the Florida Panhandle—about 105,000 people in all. It also covers people living in non-beach communities comprised mostly of wetlands, an additional 5,000 people.

But as Foytlin notes, the proposed settlement excludes tourists who swam in contaminated waters, oil workers exposed to BP's pollution while working on other deepwater rigs, consumers of contaminated seafood, or people who had to boat through the spill or otherwise came into contact with the contamination. The settlement also requires extensive documentation linking their illnesses to the spill, records that many might lack because of lack of access to health care or doctors' inexperience in treating people for oil spill-related health problems.

Faced with a lack of options, community groups like LEAN have stepped in to fill the void. In early 2011, LEAN and a philanthropic foundation partnered with Dr. Michael Robichaux, a physician in Raceland, La. and former state senator, to spearhead the Gulf Coast Detoxification Project, which has treated over 50 people to date.

One of those helped by the project was Jorey Danos, a resident of Chackbay, La. who worked for BP's Vessels of Opportunity Program, which paid local fishermen to help with oil spill cleanup. Danos was one of those who asked to have protective gear, but was told if he wore a respirator he would be fired.

Months after the oil cleanup, Danos began experiencing fatigue, abdominal pain, respiratory problems and aggression. Doctors diagnosed him with everything from acid reflux to schizophrenia and bipolar disorder, but nothing seemed to help. He grew paranoid and confused, began having seizures, and lost 50 pounds in the course of four months.

Dispersants: A solution as bad as the problem?

In the wake of the 2010 spill, BP sprayed an estimated 2 million gallons of chemical dispersants on the ocean surface and at the wellhead to break up the slick—an action it took with the approval of the U.S. Environmental Protection Agency.

The primary dispersants used, which had not been applied in such high volumes ever before, were part of a line of solvents sold under the name Corexit, which are manufactured by Nalco Holding, an Illinois-based company with close ties to both BP and Exxon.

Some cleanup workers and others exposed to the dispersants complained that the chemicals caused health problems including skin irritation, confusion and unusual bleeding, though BP and EPA said the Corexit products were safe.

However, documents obtained by two watchdog groups are now raising questions about those assurances.

In early 2012, an anonymous whistleblower provided a copy of a BP cleanup manual to the Louisiana Environmental Action Network and the Government Accountability Project. Titled “Deepwater Horizon MC252, Vessels of Opportunity Near Shore Oil Recovery Groups, Vessel Captains Hazard Communication,” the manual includes the manufacturer’s Material Safety Data Sheets, which state that the dispersants contain hazardous ingredients.

“BP public statements and private reassurances are schizophrenic,” says GAP Legal Director Tom

Devine. “This company needs to come clean with the truth about its cleanup.”

Among the Corexit ingredients are 2-butoxyethanol, sulfonic acids and petroleum distillates. The specific sulfonic acids and petroleum distillates in the two kinds of Corexit used—EC9257A and EC9500A—have never been publicly disclosed. 2-butoxyethanol has been found to cause cancer in animals, while sulfonic acids are corrosive to the skin and eyes and can cause breathing problems. Exposure to petroleum distillates can cause headaches, dizziness, nausea, eye and throat irritation, and dermatitis.

The manual states that Corexit is a chronic and acute health hazard under EPA standards, and that its toxicity is so severe special protective equipment and clothing are necessary for those who come in contact with it. But LEAN and GAP have received reports that cleanup workers who sought protective gear were threatened with being fired.

In March 2012, LEAN and GAP sent a letter to BP America’s ombudsman asking for an explanation of the discrepancy. Devine reports that GAP and LEAN continue to correspond with the company and hope to set up a meeting soon to discuss their concerns.

“We’re following through actively with them,” he says.



Watchdog groups are raising questions about BP’s assurances that the chemical dispersants used in record amounts in the Gulf spill cleanup were safe. (U.S. Air Force photo by Technical Sgt. Adrian Cadiz)

“I was losing hope, because with everybody it was a different answer,” he said in a video interview with LEAN.

Finally, a friend referred him to Robichaux, who found Danos’ body was contaminated with toxins found in crude oil, including unusually high levels of cancer-causing benzene as well as the neurotoxins toluene and xylene. Robichaux put him on a detoxification protocol that included the use of niacin and other nutritional supplements, a healthy diet rich in vegetables, and exercise and saunas to induce sweating.

Danos spent 38 days in treatment, with his housing and care provided free of charge. By the end of the regimen, his weight went from a too-thin 139 pounds to a healthier 150 pounds, and his seizures have abated. He continues to eat healthy and to exercise regularly. Danos believes the program literally saved his life.

“I’m feeling completely better,” he reports. Without treatment, he says, “two months and I would have been dead or in an insane asylum.”

While participants praise such grassroots health projects, the problem is one of scope. As many as 90,000 cleanup workers and volunteers were potentially affected by pollution from the oil spill, and it would be impossible for the Gulf Coast Detoxification Project to help everyone in need.

The proposed BP court settlement could provide funding for some public-health efforts—including \$4 million for a Community Health Workers Training Project and an unspecified amount for an Environmental Health Capacity Project to help educate local medical professionals about environmental health issues. But it may be too little, too late.

“By the time these specialists are trained, it will be around 10 years from now,” Foytlin says. “Environmental health specialists are needed on the ground immediately.” □

PART 4

A Community Blueprint for Gulf Renewal

I would really like to have a roundtable with the president where the people on the Gulf who are the experts on the recovery process, because we live it — that we set the table and we be part of the decision-making. ... We want the president to bring the hope back to the community.

- Sharon Hanshaw, Coastal Women for Change, Mississippi

Across the Gulf Coast, grassroots activists and policy advocates are working on a wide range of issues to ensure a full recovery after the BP spill and other disasters. Projects range from providing vocational training to displaced fishing families, to advocating for access to affordable housing and medical care, to restoring coastal wetlands.

On the state and federal policy level, Gulf Coast community leaders have mobilized around several key measures they say will be key to an equitable and sustainable recovery. These measures include:

STEER BP FINES INTO COASTAL RENEWAL: As of mid-April 2012, Congress had not passed into law any legislation that directly responds to the issues raised by the oil disaster—but it was getting close.

In the two years since the BP tragedy in the Gulf, Congress still has not passed into law any bills that directly respond to the issues raised by the oil disaster.



On the two-year anniversary of the BP spill, the Gulf Restoration Network and other groups are raising awareness that BP oil is still washing up on Gulf shores — and Gulf communities continue to grapple with the consequences. (Photo by Gulf Restoration Network)

In March 2012, the Senate passed the Resources and Ecosystems Sustainability, Tourist Opportunity, and Revived Economies of the Gulf States Act of 2011, also known as the RESTORE Act. Introduced by U.S. Sen. Mary Landrieu (D-La.) with the co-sponsorship of most of her Gulf state colleagues, the legislation would ensure that 80 percent of the fines BP is expected to pay under the Clean Water Act—estimated to be between \$5 billion and \$20 billion—is steered back to the five Gulf Coast states to revive ecosystems and economies damaged by the spill. It also dedicates half of the interest generated from the fines to a new National Endowment for the Oceans that would provide funding for marine restoration and conservation projects nationwide.

The Senate passed the bill on March 14, 2012 as an amendment to a transportation bill. The measure then went on to the House, which did not take it up immediately and instead declared a recess.

But the week of the BP disaster's two-year anniversary, the House reconvened and approved its own transportation bill that includes the RESTORE Act. The two transportation bills will now go to a con-

An Uneasy Settlement in BP Lawsuit

By Brentin Mock, *Bridge the Gulf*

On Feb. 27, 2012, those who had suffered economic losses and health problems from BP's April 2010 oil disaster—and were able to join a massive lawsuit against the energy giant—were supposed to see their day in court.

But just days before the trial was to begin, it was announced that the parties had agreed to a settlement, which was moving toward finalization as of mid-April. The deal covered only sections of the full suite of plaintiffs and involved individual and business litigants. On April 18, the official terms of the settlement were filed and a few of these terms were released to the public by the New Orleans Times-Picayune. In terms of the health benefits, some of those benefits will be:

- Compensation for specific physical conditions claimed to be caused by exposure to oil and dispersants used to break up oil.
- A comprehensive periodic medical consultation program that will provide regular medical examinations and tests every three years over a 21-year period.
- Preservation of the class members' rights to sue BP for compensatory damages for physical conditions discovered at a later date. This provision includes health-related issues involving unborn children of the class members.
- And “a transparent and efficient claims administration process.”

Though the settlement amount is technically uncapped, BP estimated it would cost roughly \$8 billion to pay off all plaintiffs—those who held out instead of taking quick-pay final settlements from the Gulf Coast Claims Facility. BP still

must go to trial or settle with the federal government, though, to determine how much it has to pay in fines under the Clean Water Act and other federal laws.

Plaintiffs' attorney Mike Papantino stated that everybody “should be happy” with the settlement, but many were not. Even with the surprise addition of \$105 million set aside for health problems incurred from the disaster, Gulf Coast residents were uneasy with the agreement. Under the settlement a Gulf Region Health Outreach Program will be opened that will address the health problems of the Gulf general public.

One of the concerns is how the settlement will treat health claims. Kindra Arnesen, an activist and fisherman's wife from Buras, La., is worried about people's spill-related health problems being written off as unrelated to the oil disaster. If BP wouldn't acknowledge that its spilled oil and the government's dispersants were responsible for health problems before the settlement, why should they now?

“It's a burden of proof issue again,” Arnesen told the Bridge the Gulf community journalism project. “It's really hard for me to say that they are going to be paying these medical claims when a lot of people have not been diagnosed yet.”

When New York Times business columnist Joe Nocera dismissed the settlement as an attorneys' shakedown of BP created to “gin up” new clients, Gulf Coast activ-



At a February 2012 rally in New Orleans calling for a fair trial against BP, Gulf health advocate Kindra Arnesen displayed photos of people with health problems they believe are linked to the oil disaster. (Photo by Ada McMahon)

ist Cherri Foytlin countered by inviting him to “meet with sick people. Real people. People who worked clean-up because they were doing what Gulf Coast people have always done—pitching in to clean up after the latest disaster.”

According to settlement terms, those who can be covered by the health benefits are: people who manned or decontaminated boats during the cleanup, onshore cleanup workers, and those who helped save wildlife; those who lived on beachfront properties within a half-mile of the Gulf waters for at least 60 days between April 20, 2010 and Sept. 30, 2010; and those who lived within a mile of the water at least 60 days between April 20 and Dec. 31, 2010.

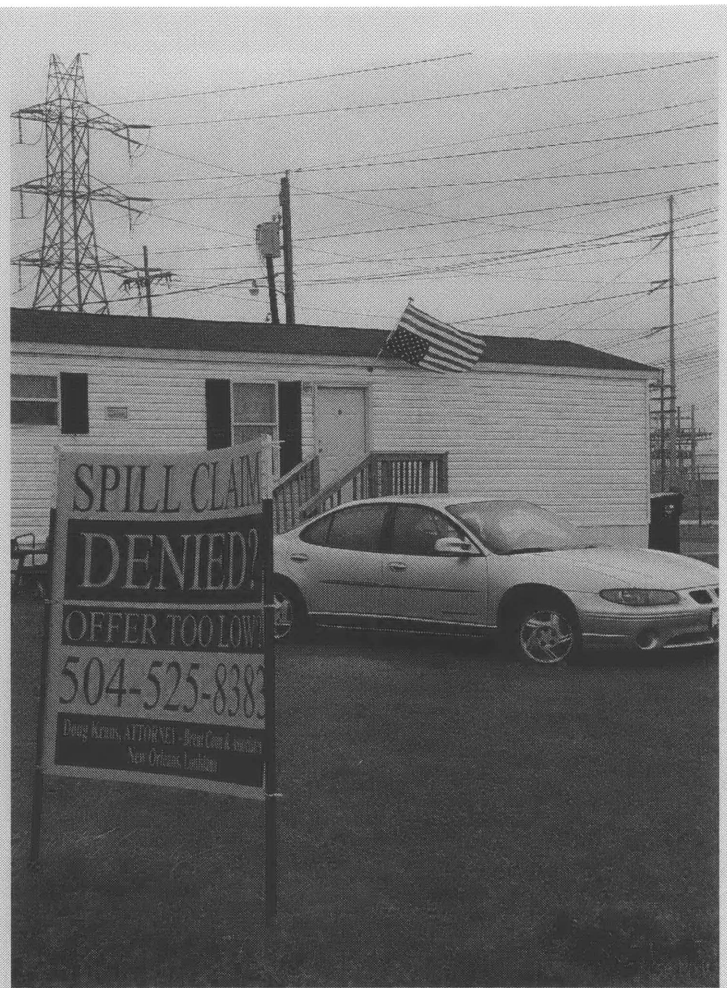
Another problem with the settlement is who will be excluded. Thousands of low-income fisherfolk, many of them Asian Americans and African Americans, had been unable to successfully navigate the complex BP claims system. For example, non-commercial fishers were denied claims if they didn't have proper documentation, and others couldn't access the claims process at all because of language barriers. Waiting two years for a trial was not an option for many of these people.

Under the terms of the settlement, a new claims system replaces the Gulf Coast Claims Facility and is supposed to have broader reach to cover those who may have fallen through the cracks. That system, controlled directly by courts, will begin in April 2012—but it remains to be seen if it will make whole the lives of those left behind by the original claims process.

Others were unhappy with the settlement because they had hoped a full trial would expose what led to the Deepwater Horizon rig explosion. There may have been problems that now will never be revealed.

However, there's still a chance for critical information to come out in the part of the trial involving the federal government, where a price will be placed on each barrel of oil spilled. According to government figures, the amount spilled was a little over 4 million barrels, which could cost BP as much as \$17 billion if gross negligence or willful misconduct is found. There are also fines to be determined by the Natural Resources Damage Assessment (NRDA), a process carried out under the federal Oil Pollution Act to calculate compensation for the damage done to the Gulf's physical environment.

But the NRDA assessment won't begin to address the legacy problems afflicting the Gulf—the hundreds of other oil leaks, the irresponsible oil extraction activi-



Many Gulf Coast residents who suffered losses from BP's oil disaster but had their claims denied became part of a class-action lawsuit that's moving toward final settlement. (Photo by Sue Sturgis, Institute for Southern Studies)

ties leading to wetlands loss, the pollution that continues to swell the dead zone.

Gulf Coast resident Charles Taylor expressed the difficulty of putting a price tag on what BP has done in a letter to the BP Plaintiffs' Steering Committee:

“How do you put a price on the cost of taking your family to the beach and having to look at all manner of dead sea-life, strange new foam that looks like emulsified oil, strange new green algae, or a dead baby dolphin with no eyes?! What is the price for that endangered sea turtle that washed up here that looked like it was still alive? How much for that fried softshell crab po-boy, angels on horseback oysters, or fried or boiled shrimp, that you know could cause you to have a reaction to the crude/dispersant mixtures that they are living in? Would you feed your family Gulf seafood tonight? Honestly? You had to think about it didn't you?” □

ference committee, which will hammer out final language.

“The way the law is structured right now, most of the BP fines would actually go into the general treasury of the U.S.,” says Dan Favre, communications director for the Gulf Restoration Network. “We want to see those dollars come back to the Gulf to be used for environmental efforts, like coastal restoration in Louisiana, for areas that have been impacted not only from BP’s oil this time, but from the environmental degradation that we’ve been experiencing in the Gulf for decades.”

The first Clean Water Act settlement with a company involved in the Gulf disaster directed less than 25 percent of fines toward Gulf conservation initiatives, underscoring the importance of passing the RESTORE Act.

ENSURE A FAIR LEGAL SETTLEMENT: The proposed partial settlement between BP and the plaintiffs steering committee announced in February 2012 is big news, but it doesn’t resolve the legal issues surrounding environmental damages.

BP and its co-defendants still face fines under the Clean Water Act and other environmental laws for as much as \$20 billion. A trial pitting federal, state and local governments against BP still appears likely, and they must hold the company and its co-defendants fully accountable for damages.

The first Clean Water Act settlement with a company involved in the Gulf disaster was reached with MOEX Offshore, the U.S. subsidiary of Japan’s Mitsui Oil Exploration Co. that owned 10 percent of BP’s Macondo

well. That settlement directed less than 25 percent of fines toward Gulf conservation initiatives, underscoring the importance of Congress enacting the RESTORE Act.

BP will also still need to pay a still-undetermined amount for the Natural Resources Damage Assessment and recovery efforts that come out of that process, which aims to return the Gulf environment to its pre-disaster state. That process must fully account for the harm done by the oil spill.

MAKE GULF COMMUNITIES PART OF THE PROCESS: Community leaders say that for the recovery to work, it must include the voices and perspectives of those who have been most affected by the disaster—and who will be critical to implementing any recovery plan.

They point to the model of the Regional Citizen’s Advisory Council that was established in the wake of Alaska’s Exxon Valdez oil spill in 1989. Community leaders learned much from that process, experience that could be helpful in creating an effective advisory body in the Gulf Coast.

Any potential settlement between the government and BP should include funding for a Gulf of Mexico Regional Citizens’ Advisory Council to give local, impacted communities a voice in ensuring that oil and gas operations obey safety and environmental laws.

“The best way to [develop better oil industry standards] is to give community members who are most impacted by the oil disaster—the fishermen, the mom and pop tourism groups, the conservation organizations, the Native American tribes here in the Gulf region—a voice in making sure that oil production and exploration is happening safely,” says Favre of the Gulf Restoration Network.



U.S. Sen. Mary Landrieu (D-La.) is the sponsor of the RESTORE Act, which would direct 80 percent of Clean Water Act fines against BP to the five Gulf states. (Official Senate portrait)

MAKE SURE PLANS HAVE RESOURCES BEHIND THEM: Louisiana is getting ready to adopt a \$50 billion coastal restoration plan, but there are lingering concerns over funding for the work.

Gulf leaders say the federal government must do everything in its power to ensure the money is in place to implement the plan, which includes congressional approval of the RESTORE Act. The region is too im-

For the recovery to work, it must include the voices and perspectives of those who have been most affected by the disaster—and who will be critical to implementing any recovery plan.

portant economically to allow it to wash into the Gulf of Mexico.

At the same time, the U.S. government must recognize its obligations under international human rights agreements to ensure that the unique cultures tied to the land of the Gulf Coast—indigenous, African-American, Cajun and Creole—are not destroyed by mass displacement.

Coastal restoration and protection will bring with it an additional benefit: the development of an industry that will bring jobs and much-needed economic diversification to the region.

ENSURE GULF RESIDENTS GET THE HEALTH CARE THEY NEED: Despite growing evidence of health problems created by the oil spill and the chemical dispersants applied in record amounts, Gulf residents have had few resources available to get needed medical attention.

The Gulf Coast Claims Facility that administered the \$20 billion compensation fund set up by BP refused to make payouts for spill-related illnesses. There is still uncertainty about how the court-administered

What should BP do?

BP's shareholders gathered for their annual meeting in London during the second week of April 2012, just before the two-year anniversary of the Deepwater Horizon oil spill disaster. As that meeting got underway, advocates with the Gulf Restoration Network presented BP with a list of recommended actions to protect and restore the region's natural resources, and to fulfill its promise to make the region whole again. Here is that list of recommendations.

1. Establish a robust endowment (i.e., \$5 billion to \$10 billion) to fund long-term science and monitoring of the Gulf;
2. Allow the U.S. to utilize that science and monitoring to determine whether unanticipated damages have resulted from the BP drilling disaster and, if so, return to the table to compensate the community further;
3. Establish and fund a Gulf Regional Citizens' Advisory Council to facilitate public engagement with ongoing oil activities in the Gulf; and
4. Provide resources commensurate with Clean Water Act liabilities of \$5 billion to \$21 billion for Gulf ecosystem enhancement restoration above and beyond Natural Resource Damage Assessment (NRDA) settlements. □



On April 12, 2012 Derrick Evans (left) from Gulfport, Miss. and Bryan Parras (center), of Houston, Texas, addressed the BP's annual shareholders meeting in London. "Come and see for yourself the Gulf Coast communities and ecosystems which are still reeling from the effects of this disaster," Evans said. (Photo by Liana Lopez)

fund that will replace the facility under the class-action legal settlement will operate, but an initial analysis raised concerns that there may be narrow restrictions on who is covered and how much assistance they can get.

Gulf community leaders also say that BP and the government could support their efforts to deliver health assistance to affected residents, like the detoxification clinics offered by the Louisiana Environmental Action Network. Without additional support, they say, their efforts will be limited.

ADDRESS THE USE OF TOXIC DISPERSANTS FOR OIL SPILLS: As part of its response to the oil spill, BP sprayed about 2 million gallons of dispersants to break up the slick. The products are known to contain chemicals hazardous to human health, and have been identified as a possible culprit in health problems experienced by exposed cleanup workers and coastal residents.

In December 2011, Rep. Jerrold Nadler (D-N.Y.) introduced the Ban Toxic Dispersants Act (H.R. 3562), which would amend the Federal Water Pollution Control Act to establish new procedures for the use of chemical dispersants in oil-spill cleanup efforts.

The bill would require the Environmental Protection Agency to determine the baseline levels of toxicity and effectiveness for the chemicals, as well as study the risks posed by their use. It also includes a temporary moratorium on the use of dispersants until the study and new rules are complete, and would require that the ingredients of the dispersants and the locations where they're being used are fully disclosed online.

FULLY FUND GULF SCIENCE AND MONITORING: After the 2010 oil disaster, BP pledged up to \$500 million over a decade to create the Gulf of Mexico Research Initiative, an independent program to support scientific research in Gulf States on various aspects of the spill, including the fate of the oil and its environmental effects.

However, the initiative has a major shortcoming. "They have provided money for research, but not for vessels," Ian MacDonald, a professor of biological oceanography at Florida State University, told a recent gathering of Gulf Coast advocates.

Records show that four institutions—Texas A&M, the University of Mississippi, Florida State University and the University of South Florida—have been awarded grants through the initiative, but none pay for ships. That has left scientists without a way to collect and

process samples, and therefore understand what's happening in the Gulf, where research vessels are scarce.

As a result, of 22 ships nationally available for federally funded ocean science, only one has a homeport in the Gulf—the Pelican, which operates out of the Louisiana Universities Marine Consortium in Cocodrie, La. And the Pelican is a smaller ship that isn't adequate for some types of research.

Ensuring that such monitoring is fully funded will be critical to measuring the progress of the Gulf recovery and monitoring the impact of future spills. Scientists hope some of the money coming out of the BP lawsuit will be directed to such science and research needs. MacDonald offered another suggestion for how to ensure Gulf science gets the funding it deserves: place a research tax on oil companies. ▣

GULF RECOVERY INDEX

The Power of Big Oil

Amount that the oil and gas industry spent lobbying Congress in 2011: **\$148,377,552**

Number of registered oil and gas lobbyists: **786**

Percent by which the number of oil and gas industry lobbyists exceeds the number of members of Congress: **47**

Percent of those oil and gas industry lobbyists who have passed through the revolving door between government and lobbying firms: **57.9**

Number of lobbyists who represented BP in 2011: **56**

Percent of those BP lobbyists who have passed through the revolving door between government and lobbying firms: **69**

Amount BP spent lobbying in 2011: **\$8,130,000**

Total amount the oil and gas industry has spent on federal campaign contributions since 1990: **\$296,616,695**

Amount it spent in the 2010 election cycle: **\$31,912,949**

Amount it spent so far in the 2012 cycle: **\$20,552,365**

Rank of former Texas Gov. and former Republican presidential nominee Rick Perry among the industry's biggest federal recipients during the current election cycle: **1**

Amount his campaign received from the industry: **\$833,674**

Rank of former Massachusetts Gov. and GOP presidential frontrunner Mitt Romney: **2**

Amount his campaign has received from the industry so far: **\$597,950**

Rank of President Barack Obama: **16**

Amount his campaign has received from the industry so far: **\$131,288**

Rank of Senate Majority Leader Mitch McConnell (R-Ky.) among members of Congress who've received the most in campaign contribution from the oil and gas industry during the 2012 election cycle: **1**

Amount his campaign has received so far: **\$696,000**

Of the oil and gas industry's contributions to congressional campaigns so far this election cycle, percent that has gone to Democrats: **14**

To Republicans: **86**

Amount the five biggest oil companies—BP, Chevron, ConocoPhillips, ExxonMobil and Shell—made in profits in 2011: **\$137 billion**

Percentage by which that amount exceeded the profits they made in the previous year: **75**

Amount in taxpayer-financed subsidies enjoyed annually by these five oil companies: **\$2.4 billion**

Date on which the U.S. Senate voted against a measure supported by President Obama to end those subsidies: **3/29/2012**

Number of times by which the amount of campaign contributions received by the Senators who opposed ending the subsidies exceeded the amount received by those in support: **4**

Pieces of legislation Congress has passed into law as of the two-year anniversary of BP's Deepwater Horizon disaster relating directly to the regulatory and environmental issues it raised: **0**

(For sources, see page 31)

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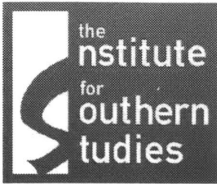
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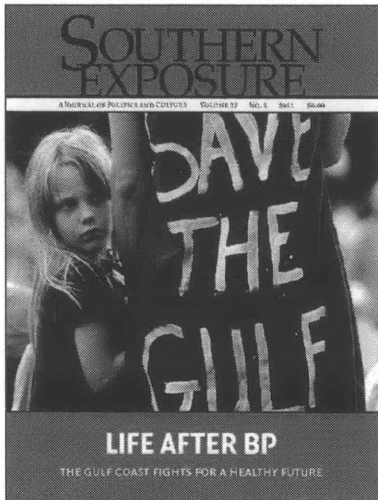


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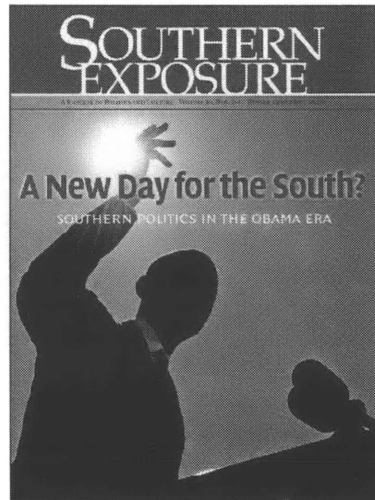
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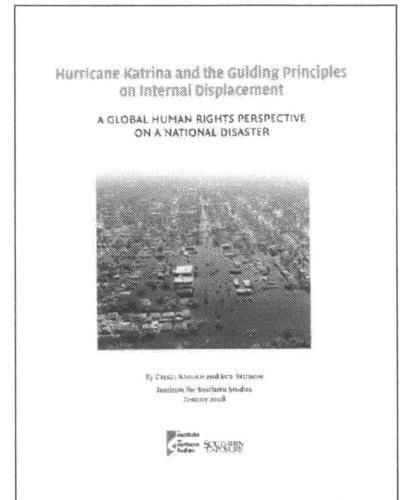
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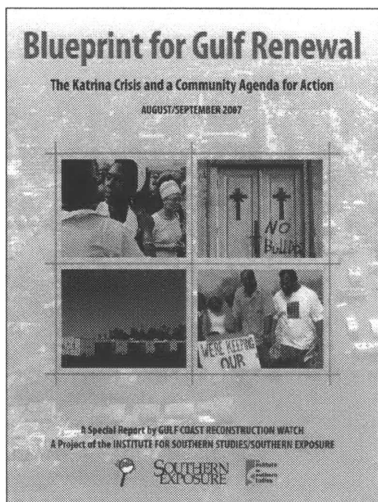
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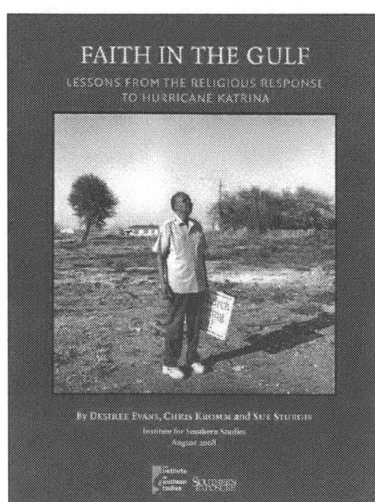
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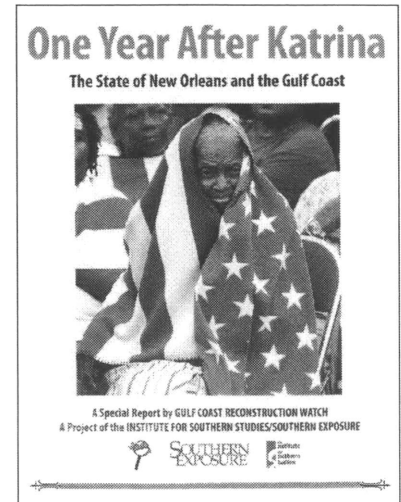
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