

HEALTH REPORT

Environmental Justice Through the Eye of Hurricane Katrina

By Reilly Morse

A bitter gift from Hurricane Katrina was to refocus America's attention on the enduring legacy of racial segregation and poverty in the Gulf South. Early cries that "the storm didn't discriminate" now have been discredited by statistics showing that the storm's impacts often weighed more heavily upon racial minorities and the poor. In addition, the recovery of socially and economically vulnerable storm victims continues to lag behind mainstream society.

What fueled these inequitable outcomes? Over the course of many years, racial segregation in this region established patterns of settlement for many African Americans in less desirable flood-prone areas. Industries attracted by cheap land and weak resistance began to cluster around minority communities, and segregation and poverty forced blacks into areas occupied by industry. In the 1960s, the civil rights movement began to dismantle *de jure* racial segregation in public accommodations and individual rights, and in the 1980s, the environmental justice movement began to address inequities in community health and resource allocation. Despite these efforts, however, Hurricane Katrina encountered a Gulf South still heavily burdened with social and economic disparities.

Demographic Disparities

Hurricane Katrina sent record tidal surges and sustained winds of over 120 miles per hour across coastal Louisiana and Mississippi, and its devastation cut across racial groups and economic classes. In New Orleans, the storm's floodwaters buckled the levees at the Industrial Seaway and Lake Pontchartrain, spread miles inland, and submerged 80 percent of the city. In coastal Mississippi, Katrina's winds and storm surge inflicted catastrophic damage on the 40-mile-long shoreline, but also reached miles inland as storm surges pushed into bayous, rivers, and creeks already swollen with torrential rainfall.

Before the storm's arrival, Mississippi and Louisiana ranked first and second in state poverty rates and had the second and fifth lowest state median household incomes, respectively (Figure 1). The percentages of Katrina's victims who were African American, renters, poor, and/or unemployed were larger than the representation of these groups nationwide (Figure 2).

This pattern recurs in comparisons between heavily damaged and lightly damaged areas in the affected region (Figure 3), between New Orleans and the region (Figure 4), and between affected

neighborhoods within New Orleans (Figure 5). Some of these disparities are due to the size and demographics of New Orleans, which is 67 percent African American and the nation's sixth poorest metropolitan area.

The predominance of minorities and the poor among storm victims is prevalent, but not absolute. Wealthy waterfront white communities in Lakefront New Orleans and beachfront Mississippi were devastated, while some poor black communities were spared the worst destruction.

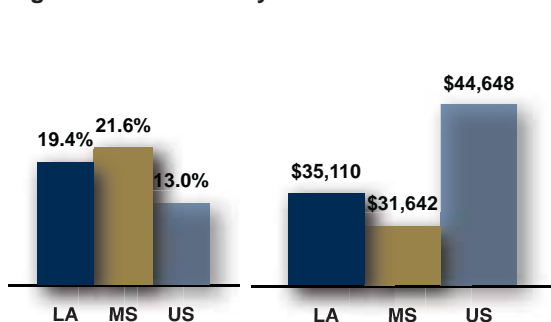
Blending Two Movements

Environmental justice has the potential to remedy structural racism in the recovery from Hurricane Katrina. Civil rights and environmentalism, two important social movements that gained prominence in the 1960s, joined forces in the late 1970s to produce the environmental justice movement. Environmental justice originally focused on industry and government practices that disproportionately burdened minority and low-income communities and populations experiencing adverse health and environmental impacts.

In its early stages, the movement challenged decisions to site landfills

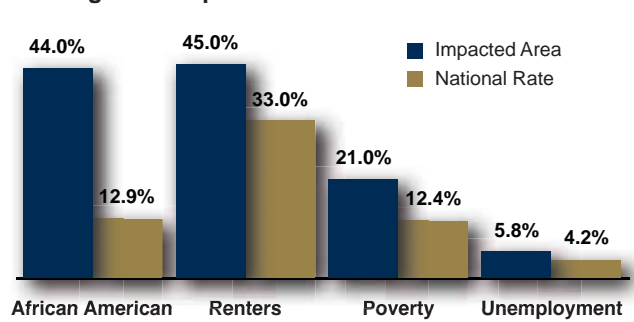
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Figure 1: State Poverty Rate and Median Income



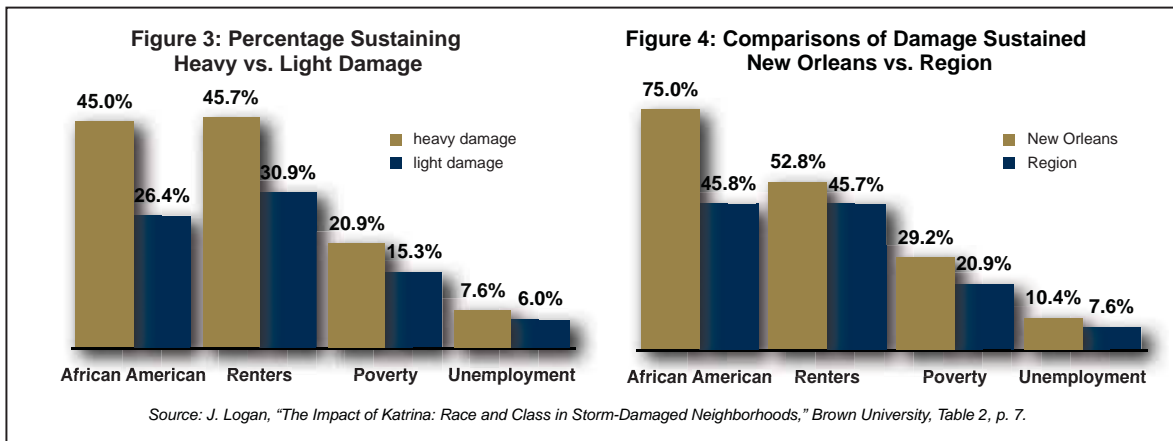
Source: U. S. Census Bureau American Community Survey for 2004

Figure 2: Impacted Areas vs. National Rates



Source: "Hurricane Katrina Social and Demographic Characteristics of Impacted Areas," Congressional Research Service, 2005.

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and hazardous waste facilities next to minority communities in the South. Advocates soon expanded their efforts to include promoting environmental law enforcement and remediation. Over the years, the movement has extended its reach even further into social issues of equity in land use planning and zoning, worker safety, resource allocation, economic sustainability, and community empowerment.

In the legal realm, the goal of environmental justice is to secure for all communities and persons the same degree of protection from environmental and health hazards, and the same opportunity to influence the decision-making process. This objective is not met when low-

income or minority communities are burdened disproportionately by adverse human health or environmental effects or by barriers to participation in decision making, such as language access. Examples of legal issues with environmental justice implications are the siting of landfills next to minority or low-income communities, discrimination in pollution cleanup and monitoring, exclusionary zoning, and discrimination in flood control projects and wetlands protection.

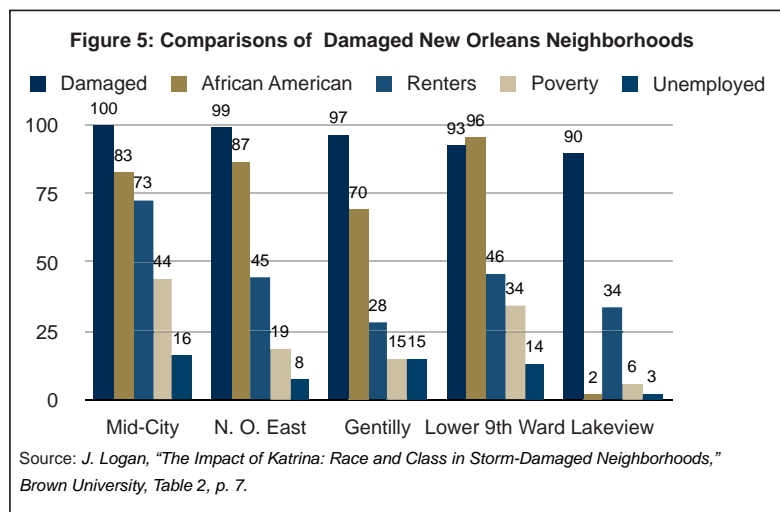
In the social arena, the environmental justice movement pursues broad aims, such as increasing equal access to resources in the natural and built environments, increasing health and safety standards for workers and those living in poverty, and

redressing the dislocations caused by global trade.

Environmental justice is interdisciplinary and well suited to extracting policy solutions from superficially disparate factual situations. Many differences exist between how African Americans and the poor in New Orleans and the Mississippi Coast experienced the hurricane: the nature of the disaster, the size of the population affected, the complexity of the geography, and the duration of the disparities. But these communities share a common history of discrimination in settlement and other living conditions that disproportionately increased their vulnerability to disaster and the barriers they faced in precaution and recovery. The common vulnerabilities of these communities readily fit within the environmental justice advocacy system.

The scope of environmental problems following Hurricane Katrina is vast: it includes disaster cleanup and waste management, releases of oil and hazardous substances, damage to previously contaminated sites, contamination in floodwaters and sediments, air quality, drinking water quality, coastal waters impacts, and water and sewage infrastructure facilities.

The isolation produced by federal housing and transportation policies was disastrous for the 30 percent of households (over 105,000 residents) in Orleans Parish's flooded areas who lacked access to a car. Over a week after the hurricane,



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a significantly greater percentage of African American residences remained flooded in the metropolitan New Orleans area compared to other ethnic groups. Chemical contamination of floodwaters was a grave concern in the immediate aftermath of the storm, with widespread fear of a “toxic gumbo.”

Seeking Justice

Minority and disempowered populations are at great disadvantage in securing equitable policy decisions from elected and appointed official bodies through conventional processes because political power tends to be asymmetrical. When the controversy can be brought into federal court, however, and the disparate impact of the proposed action is scrutinized, the power relationship shifts. One of the most valuable legal tools for bringing environmental justice into the process of prevention and recovery from catastrophes like Hurricane Katrina would be legislation explicitly authorizing a private right of action under the Civil Rights Act to enforce environmental justice cases under a disparate impact standard.

Increasing equity in the appropriation and use of federal disaster recovery funds is another vital priority. Congress must enact a non-waivable requirement similar to the 1974 Community Development Block Grant Act that a specified percentage of funds be spent to benefit persons of low and moderate income. For regional disasters, Congress should equitably fund disaster recovery across state lines, according to per capita needs, with adjustments for the severity of damage. Also, in regional disasters, Congress should require greater uniformity in state recovery plans so that no disaster victim is left unassisted solely because of residency. At the state and local levels, the costs of environmental racism and the benefits of environmental justice will need to be factored into everything from land use planning to public works projects and transportation.

Rebuild or Move On?

A fundamental question for historically disadvantaged communities forced generations ago to settle into more vulnerable locations will be whether to rebuild in areas of known high risk.

One answer may be for disadvantaged New Orleans neighborhoods to be provided an equal degree of structural flood control measures as the uptown and lakefront communities. Another may be to require a shared obligation among all strata of society to relocate into more protected areas at full and fair compensation. Our answer will depend upon whether we prefer to maintain as much human occupation and investment as possible or as much of the natural coastal zone and its storm barriers as possible. Regardless of which choice is made, Hurricane Katrina has made a compelling case for increasing space for natural processes, since sooner or later nature will overwhelm us again.

The Housing Issue

The availability of affordable housing is tied directly to proximity and transportation issues, and the risks of “NIMBYism” (Not In My Back Yard) from existing communities are increased isolation and increased difficulty in evacuation and recovery. Construction in Louisiana and Mississippi has been stalled by local government opposition to housing for low-income persons. Moratoriums have been enacted in portions of three Louisiana parishes and a *de facto* moratorium on multifamily tax-credit developments existed in at least one Mississippi coast city.

To overcome this barrier, some combination of strategies will be required. Some options include a fair share requirement for local governments and a mechanism to override local opposition for projects that are properly zoned and abide by local building code requirements. Another proposal is to tie CDBG disaster recovery funds for community revitalization to the elimination of local zoning discrimination against tax credit funded apartments. Until these solutions

emerge, advocates for low-income minority residents must resort to Fair Housing Act litigation.

Environmental justice is generally viewed as a hybrid movement. Whether or not this is a fair perception, one tactical advantage it offers is the power of coalition. Finding the critical mass of people who can successfully communicate their shared vision across cultural differences is an essential element to long-term success. Practicing the skill of articulating the cross-connections between race, health, and the environment is the strongest means to overcome the divide-and-conquer playbook used by mainstream political bodies.

Finally, recognizing how major national policy choices in areas like energy, transportation, and municipal infrastructure affect communities of color is an essential component of environmental justice. Once some background is provided, people from all walks of life readily understand the implications of how different parts of our society interconnect, and it is necessary to push this understanding along to fully grasp the connections between race, environment, and infrastructure systems.

This region of our nation has paid an extraordinarily high and unnecessary price for its long history of discrimination against racial minorities and its refusal to rectify systematic economic impoverishment. Ultimately, that price is a shared debt of all Americans, spiritual as well as financial. If this nation truly embraces the sanctity of human life, then it must more forcefully employ the precautionary principle to protect life, from local land-use and zoning decisions to conservation of natural resources, and from the regulation of pollutants and toxins to how we fit our most disadvantaged fellow citizens into the fabric of our communities. Hurricane Katrina’s ultimate lesson for communities planning for or recovering from disaster is captured in the words of Justice Cardozo: “prosperity and salvation are in union and not division.” □

Reilly Morse is Senior Attorney, Mississippi Center for Justice. This article is excerpted from a forthcoming Joint Center publication.