



## **BP Oil Drilling Disaster—NAACP Investigation**

### *REPORT*

#### **Overview**

From May 27<sup>th</sup> through June 10<sup>th</sup>, the NAACP National Office conducted an Investigation throughout the affected areas of the Gulf Coast to: observe and document the impact of the BP Oil Drilling Disaster; meet with communities to hear about their experiences as well as their demands; discuss with State Conference and Branch Leadership their current and desired level of response; ascertain how other organizations are responding to the disaster; and begin to develop priorities for NAACP National engagement in the disaster.

The Tour started with the Climate Justice Initiative Director, Jacqui Patterson's visits with communities in Alabama, Florida, Louisiana, and Mississippi. NAACP President and CEO Benjamin Jealous then made a trip to the region and engaged in: a community meeting in Biloxi, MS; a tour of the Peninsula, which is a primarily African American and Vietnamese community in Biloxi; a meeting with Mayor of Biloxi, Honorable A.J. Holloway; a Luncheon with Black Leadership of Biloxi; a Helicopter Fly-Over of the Oil Spill and the coastal areas; a visit to Grand Isle and Fourchon in Lafourche, Louisiana; a Town Hall meeting in Houma Louisiana where the Houma Nation featured prominently among those offering testimony; and multiple meetings with NAACP State Conference and Branch Level Membership.

The BP Oil Drilling Disaster has overlaid another travesty over a region ravaged by Hurricanes Rita and Katrina when communities were still far from recovering from the impact of those disasters of 2005. Therefore the largest environmental disaster in US history was visited upon communities who already suffered from compromised economic status, displacement and substandard housing, fragile mental and physical health status, and socio cultural disruption.

The timing of the tragedy also places the disaster at a time when it has the most potential for negative impact. It comes at the nexus of great economic impact because it occurred at the beginning of harvest time for shrimp, crabs, and oysters. There is also the threat of elevated pervasive impact because of the start of the hurricane season, which has the potential to setback clean-up efforts as well as accelerate and intensify the onslaught of oil and dispersant on the shores of the Gulf Coast.

#### **Synopsis of Findings**

##### **DISASTER IMPACT**

##### ***I. Economic Devastation***

**Economic impacts are many and far reaching**, from fisherpersons whose income was immediately halted by the closure of fishing waters resulting from the spill and all the businesses that are dependent on seafood, to the tourism industry which has been curtailed due to closed beaches and perception of a ruined landscape for vacationers, to the oil rig workers who were displaced by the moratorium on oil drilling due to BP's irresponsible actions and its implications for the industry, and beyond.

*"It may be 8-10 years until we can fish again."* Percy Dardar, of the Houma Nation. Lori Ann Chaisson, also of the Houma Nation, echoed this assessment, *"We can't work. We won't work for years to come."*

**House and boat notes are at risk.** It is common practice for people involved in the seafood industry to take out loans against their boats or homes to finance pre-season investments in preparation for the intake and sale of product. Thus, many are facing foreclosure or repossession as they don't have the anticipated revenue to make the required payments. According to Sister Martha Milner of the Sisters of Mercy in Biloxi, MS, some people who use homes as collateral are not in the fishermen industry. *"There are 30 foreclosures per day in the local paper; foreclosures are likely to grow in this disaster. This is a serious concern. The amount of assistance, granted to families, needs to be greater than \$5,000."*

**Towns whose industries are fueled by the revenue the fishing industry brings in are withering.** From the fisherpersons themselves, to the persons who transport and sell their bounty, to the related industries such as ice factories, to the stores and businesses where fisherpersons shop, the impacts are multitudinous and pervasive. *"People think of just the Bayou, but the ripples are many including factories and stores that deal with ice, shrimpers, oysters, etc. Many women will lose their work."* Lora Ann Chaisson of the Houma Nation in Louisiana. Testimony from community members in Biloxi echoed the same, *"Support organizations such as the commercial laundromats that have contracts with hotels are seeing significant losses. The Innkeepers association has seen a 35% - 45% decrease. The longshoremen are affected because access to the channel is limited and the engines that are water cooled cannot go through oil-infested waters. The shuckers, ice men, etc.....a lot of minorities are involved in these industries."*

*"My restaurant is already being affected by high costs. I can't pass on those costs to my customers because they can't afford to pay it. This could mean the end of my business because I signed a lease in December that I can't pay anymore. When I call the "800 number" for filing a claim, a lawyer answers, not BP."*  
Darien, an African American seafood restaurant owner of Thibodaux in Lafourche Parish, Louisiana.

**Older persons are more significantly impacted.** Houma Chief Elect Tom Dardar expressed concern for the lost vocations for older persons, for whom fishing has been their lives for decades, who do not have other choices. *"We must understand the alternatives. Who will teach us the trades?"* Lora Ann Chaisson agreed, *"Business down 50%. My dad is 74 years old. What is he supposed to do? How are we going to train older people?"*

**For Biloxi the economy thrives on the gaming industry.** The beginning of April, typically around Easter weekend, to September is the season for the gaming industry. 15,000 gaming employees were gainfully employed prior to Katrina. After Katrina, it is down to 9,000 – 11,000 employees. 10% – 15% of those employees are part-timers. These months are when they work, save and pay their bills. It is already difficult to make ends meet and now they are challenged once again. *"If we were to look at the month of May in gaming revenue and hotel revenue that drives our economy in Biloxi, and compare the numbers with 2008 numbers (2009 was adversely affected by the Great Recession), we are anywhere down from 10-15% of 2008 revenues. 25% of the economy is directly tied to*

tourism. *The next casualty will be the school system because it is also financed by this revenue.*” declared one of the participants from the Biloxi community meeting.

## **II. Health Impact—Physical and Mental**

**Health effects suffered by Gulf residents, as well as risks on the horizon, are mental and physical.** Both residents and clean-up workers report a variety of symptoms from breathing oil fumes, including irritated eyes, nausea, headaches, breathing problems, etc. Being unable to work and provide for families, as well as processing the reality of an irrevocably changed lifestyle are taking their toll on the mental health status of some Gulf residents and fears are that this will only progressively worsen.

**The need for employment forces people out on the water, in spite of negative effects of fumes.** According to Tracy Kuhns of the Louisiana Bayoukeepers in Barataria, LA, for people living in the marshlands the fumes are *“so heavy in the air you can barely breathe.”* Tracy Kuhn’s husband Mike has COPD so she was worried about him taking his boat on the water as a contractor in the clean-up efforts. Tracy cautioned him, *‘You’re going to have a breathing attack.’* His response, *“What else can I do?”* From Tracy, *“What kind of choice is that?”* She continued, *“There is an 80 year old gentleman who has been trawling his whole life. He is working the spill with his son while throwing up all over the place from the fumes!”*

**African Americans in Biloxi may be intensely exposed to oil in certain areas.** According to Ya-Sin Shabazz of Biloxi, *“Health is a serious concern for our area. The Peninsula is where our folks are. There are 15,000 residents on the Peninsula, primarily African Americans and Vietnamese. Most white residents moved West or North. Most of the people there couldn’t afford to move after Katrina. If you didn’t have flood coverage, there is no way to rebuild. Peninsula residents are surrounded on both sides by water. If that water gets polluted, they have nowhere to go. They can smell the oil now so imagine when they are literally surrounded by it!”* Fumes caused illness for the guys working out there on clean-up now so what happens when residents have oil on all sides of where they live? The governor and local people haven’t said it’s a serious problem.

*“‘Come eat, be in the water, drill again’. For a lot of people if you don’t hear anything, you assume everything is okay. It is hard to trust what you hear. We are not ignorant of the fact that there’s a possibility we are being lied to.”*—James Crowell, NAACP, Biloxi.

**African Americans are suffering elevated risk of negative impact from breathing fumes.** Pastor Anthony Thompson, The Tabernacle of Faith/Amos Network, expressed concern about air quality. Since Katrina, the number of reported cases of rashes as well as asthma attacks, have increased, especially in the African American communities where asthma rates are elevated. *“People can already smell chemicals from the oil spill in the air.”*

**Exxon Valdez paints an ominous picture of what Gulf residents might suffer.** Depression, suicide, alcoholism, family violence, and divorce rates all spiked after the Exxon Valdez oil spill. Already residents are suffering from depression and there are reports that drinking has increased. People fear that as reality continues to set in and as resources continue to be unavailable things will get worse. One mental health clinic in Louisiana reported that *“the waiting list for being seen for counseling is now up to two months.”* Just two weeks after the NAACP Investigation, Tour Boat Captain William Allen Kruse, apparently despondent on the destruction of his livelihood, has taken his life. Folks in the Gulf Coast despair that his suicide is just the beginning.

### III. Socio-Cultural Context and Erosion

*How is it possible to provide a synopsis of what it means to have the land and sea that has been home to families, communities, and cultures for generations upon generations and a lifestyle that defines the culture of how they exist, defiled in such a way as this?*

Whether it is the Vietnamese American fishermen who have been fishing in the gulf since the Vietnam war and depend on fishing/shrimping/crabbing for survival, and many of whom do not speak English; the Houma Nation which has been fighting for federal recognition as a tribe and has been particularly impacted given their cultural connection to the land; the African American and other fisherpersons whose livelihoods comprise so much of their lives; and the coastal communities in general whose lifestyles and cultures are linked to their environments, the very fabric of the lives of people living on the coast has been torn asunder. The purpose that gets people up in the morning, the spiritual and other rituals that are so central to living, the traditions that are the legacies handed from generations to generations are all impacted.

*“This oil spill is killing communities and killing ties. It’s only going to get worse. This situation is destroying the social structure of the bayou. With the Exxon Valdez oil spill, the Mayor of Cordova committed suicide. Others in Alaskan communities also committed suicide. Rates of family violence, alcoholism, and divorce also went up. Now, 20 years later those communities still aren’t the same.” Tracy Kuhns.*

*“I don’t want to have to leave because you came and destroyed my land. Our culture is identified through the land. The land identifies us.”—Houma Nation Chief Elect, Tom Dardar. “We will come out on the other side. But what will we become?”*

*“Parents stressed over their children. What will happen to the kids?”—Lori Ann Chaisson “Kids need to understand. Children are upset because parents are upset.”—Chief Dardar*

#### **Communities are worried about reoccurrence of the increase in crime and general social problems post-Katrina.**

Alice Graham, Mississippi Coast Interfaith Disaster Task Force (IDTF), spoke about the long-term social impacts of this disaster. Long-term social impacts will be like another Katrina. Gulf Coast residents are facing a double whammy. If long-term social impacts are not addressed now, the message sent to residents affected is that people are expendable. People then become destructive. We need to take proactive measures in saving a community so that the community can prosper.

*“If people are not cared for, people will not care for one another; this is a scary thought. Considering minorities are losing their way of life, negative social impacts of this disaster will get worse.” Alice added.*

Pastor Jason L. Johnson of Abundant Life Evangelistic Center in Biloxi, MS spoke about social impacts. *“Young people are now leaving the Coast; they find there is not much to hold on to here. Incidents of crime rose after Katrina as well. Incidents of crime may increase. Social impacts of this oil drilling disaster are yet to come. The community as a whole needs to come together to find solutions.”*

According to participants in the community meeting in Biloxi, *“Hurricane Katrina and its after effects still plague this community. Mental health concerns were worse right after the storm. And now this comes on top of Katrina. Things still have not gotten back to normal. There are a few folks who are still homeless. There are people living in the woods and in little cottages. Some folks can’t rebuild because insurance rates have soared.”*

## MITIGATION SYSTEMS/PROCESSES

### **IV. Disaster Mitigation**

**Avenues for involvement in mitigation efforts are not accessible by all.** According to Thao Wu of Mercy Housing and Human Development, BP's Vessels of Opportunity (VOO) Program was set up to allow local vessel owners an opportunity to assist with oil drilling disaster response efforts. Once a boat is "activated," if a boat needed for response, the boat owner will be compensated. *"Not all fishermen and boat owners are told of this procedure. Only 60 Vietnamese boats of 4,000 boats are participating in VOO. Some boats are from out of state, but are registered in Mississippi. Also, skimmers are not from Mississippi."*

Hiring local is not prioritized. *"Staging areas for work are set up along the coast. This work could be done by locals. At least 20 workers are from outside of Mississippi. Not all of the work opportunities are specialized. Local people could be hired to do this work and are not necessarily being hired."* Thao Wu of Mercy Housing and Human Development.

**Worker safety issues and concerns abound.** Once a boat is deemed activated, training is provided. Training for the program is a concern for people involved. Not all vessel owners are fully aware of safety issues. Boat owners and crew participate in a four-hour training session. However, some others participate in 40-hour training sessions. It is important for all involved in response to get the same safety information. For beach clean-up hazmat training has been very abridged. Workers are going out with only 4 hours of trainings as opposed to the full 40 hour training. NOAA and EPA recommend the following hours of training for each type of activity: 1) Beach Clean-up: 4 hours. 2) Sampling: 24 hours 3) Direct Contact with Oil: 40 hours.

**Clean-up workers have suffered ill health effects from their service.** They are experiencing burning of the eyes, headaches, nausea, shortness of breath, skin irritation etc. Several workers have been medically evacuated and hospitalized. BP, however, is denying that breathing of the fumes is causing negative health effects. BP is refusing to provide masks/respirators or allow employees to wear protective face gear. Clauses in employment contracts prevent sickened/affected workers from being able to speak out. Relatives/friends/neighbors not under such restrictions are telling their stories of illness.

### **V. Economic Recovery**

#### *a. Claims Process*

**Vietnamese American fisherpersons face multiple challenges in the claims process.** For the Vietnamese American community, the claims issue is complicated by the fact that they are suffering the loss of pre-season expenses/investments, which aren't incorporated into the claims process which focuses solely on lost wages. Shrimping/crabbing are seasonal livelihoods. They go to Louisiana to fish during the pre-season. A lot of families are low income and also do subsistence fishing which is also not taken into account by the claims process.

**According to Thao Vu, The BP claims process is arbitrary.** Fishermen are asked to provide confidential information over the phone and there is no documentation of calls to BP. When fishermen apply for claims in person at local claims centers, claim amount rewarded varies. In Pascagoula, MS, fishermen were eligible

for \$5,000. However, in Biloxi, MS, where there is a higher concentration of Vietnamese citizens, fishermen were rewarded less than \$5,000 and deckhands were rewarded \$2,500. Vietnamese fishermen have limited English language skills; BP takes advantage of this limitation. Advocates are working with fishermen in eliminating unfair practices. Thao added the second round of BP's claims process was more difficult than the first round. Fishermen were required to produce a monthly breakdown of income for the past two years. Not everyone has records covering the past two years. Fishermen are still struggling after Katrina in trying to rebuild. Additionally, fishermen do not have the services of a CPA. Thao reiterated BP is making the claims process increasingly difficult.

*b. Government Loans*

*"Federal agencies are not helping. Small Business Administration (SBA) tells people affected to apply for a U.S. Department of Agriculture (USDA) loan. USDA rejects applications because loans do not involve any planting. People can't get either loan. Also people who make their living off of the sea often have no W-2's, no tax forms and no other documentation for loans."* Charmel Gaulden, Gulf Coast Fair Housing Center.

Sharon Hanshaw, Coastal Women for Change, is concerned about SBA loans. *"Gulf Coast residents who were affected by Katrina do not need a loan on top of another loan. We did not make this disaster happen. Loans on top of loans can lead to homelessness."*

## **VI. Physical and Mental Health Care**

**Access to health care is hampered by lack of insurance coverage and lack of facilities.** Many fisherpersons don't have health insurance, which has made dealing with the health concerns a challenge. *"There are not enough health centers. The closest one to us is in the next town. There is a clinic in Lafitte, Barataria but you must have insurance and they don't take Medicaid."* according to Tracy Kuhns.

A nurse at the Town Hall meeting in Terrebonne Parish, Louisiana expressed her concern that *"the medical community does not know what we are treating, what we are looking for, and what the possible illnesses and treatments are out there. Health clinics in affected and soon-to-be affected areas are a critical need."*

## **VII. Community Based Organizations**

**Actions being taken by various CBOs are too many to name so here are a few examples.** There are many CBOs that have existed since and before Hurricane Katrina with whom we engaged during this tour and with whom some of our branches actively partner in implementation. Regional groups such as the Gulf Coast Fund and Oxfam have been providing regional coordination as well as financial support to community based groups. GCF has also coordinated advocacy as well as facilitated linkages with the responding agencies. The STEPS Coalition has been playing a critical role in coordinating and fostering collaboration between CBOs in the Biloxi area. Groups like Mercy Housing and Human Development work specifically with the Vietnamese American community in Biloxi to provide linguistically and culturally appropriate assistance. Organizations like the Louisiana Bayoukeepers work particularly with fisherpersons in Louisiana. Coastal Women for Change works in several states on women's rights issues and deals with the impact of disaster on women.

One consistent comment that was oft repeated was that CBOs were stretched thin and significantly under resourced given the immense demand for services to suffering communities, families, and individuals.

## **Recommendations From Communities Responding to the Gulf Coast Oil Disaster**

### **1) Financial Support for Community Based Organizations**

Under significant resource constraints, CBOs are providing critical support to fractured communities, including culturally and linguistically appropriate services for the diverse range of affected communities who are often marginalized in disaster response, including African American, Vietnamese American, Indigenous, and other communities. BP must be asked to provide financial support to CBOs through a gulf coast based foundation, to enable them to serve communities struggling to survive this catastrophe by assisting with organizing/planning to create community benefits agreements, helping community members to navigate processes to access resources and troubleshoot problems, as well as providing direct services such as case management and counseling.

### **2) Accessible and Effective Claims Process**

"Accessible and effective" is defined by a system that is easy to navigate and provides full restitution to affected communities in a timely manner that is immediate and consistent. Ken Feinberg's office must be oriented to the unique situation in the Gulf Coast and the specific characteristics and challenges of communities, such as lack of the tax records, which have impeded claims. A community liaison from Mr. Feinberg's office must be assigned to work with NAACP senior leadership to work with communities, receive and document challenges, and ensure resolutions.

### **3) Physical and Mental Health Care for All**

Given the lack of health care facilities and mental health services in many of the communities, coupled with the significant physical and mental health strain on these communities, it is critical that all in these communities have access to quality physical and mental health care. The Department of Health and Human Services must assess the current availability of physical and mental health care services, predict the surge in needs, and ensure that systems, facilities, and professionals are in place to meet the needs of the Gulf Coast Communities.

### **4) Equal Access to Contracting Opportunities for Businesses Owned by People of Color**

Community members and business owners have been locked out of access to contracts for clean-up and other opportunities related to addressing this disaster. Given the devastating impact this disaster has on communities of color, on top of a situation where they still had not recovered from Hurricane Katrina, access to opportunities for economic recovery are essential. BP must apply fair share principles and measures to ensure that businesses of color are afforded an equal opportunity to engage in mitigation effort and recoup revenue lost by this disaster.

### **5) Community and Worker Safety Provisions**

- Community Hazmat Orientation must be provided by FEMA to communities that are facing increased exposure to oil, particularly as the height of hurricane season approaches.
- For workers, full hazmat training and appropriate and effective protective covering must be provided by BP to all oil spill clean-up workers.

### **6) Impact Assessments—Analysis of Physical and Mental Health, Financial, and Socio-Cultural Short and Long Term Impacts**

Impact Assessments should, to the greatest extent possible, be led by institutions rooted in most affected communities. Therefore colleges and universities with a history of working in these communities must be engaged and resourced by BP to conduct impact studies. Furthermore, institutions employing community participatory models of conducting the impact studies must be prioritized, to ensure that the perspectives of most affected communities are emphasized and that methodology respects the cultural, linguistic, and other unique aspects of the most affected communities.

### **7) Safe, Quality Housing Provisions for Displaced Persons**

Given that communities affected by this crisis are many of the same communities that had been impacted by Hurricane Katrina, the housing and displacement issues in these most affected areas are already significant. Already

with Hurricane Alex, the oil is being pushed further into the bayous and waterways. For communities like the predominantly African American and Vietnamese "Peninsula Community" in Biloxi, MS, this means they will be surrounded by oil and dispersant fumes which may result in a need to temporarily relocate until the oil has been cleaned up. Therefore, FEMA must have a proactive, comprehensive and efficient plan in place to ensure that there are alternative housing situations for persons displaced by this crisis and that the principle of right to return is upheld, supported, and well resourced.

#### **8) Federal Recognition of the Houma Tribe**

The Houma Tribe has not yet been federally recognized, though it has been recognized by the State of Louisiana. The Houma Nation has been awaiting a response for over 20 years from the Bureau of Indian Affairs, an agency of the U.S. Department of the Interior. The oil industry lobby is blocking their request because they want access to lands that would be protected under the federal designation. In order for Houma to be a sovereign nation with access to the rights under this designation-enabling them to provide for their community members-this federal recognition is critically needed.

#### **9) Direct Troubled Asset Relief Program (TARP) and Small Business Administration(SBA) Funding to Community Development Financial Institutions (CDFI's)**

With direct TARP and SBA funding, CDFIs will have the capacity to make recovery loans to businesses owned by persons of color that are often locked out of the SBA/USDA bank originated emergency loan programs.

#### **10)Improved Information Dissemination**

Currently some communities are not getting the same level of information as large metropolitan areas affected by the spill. Information regarding the health, safety and additional precautionary actions must be received by all. Community based organizations who are familiar with rural and peri-urban areas who are not accessing information, must be resourced by BP to ensure that all have access to essential knowledge.

#### **11)Comprehensive Ongoing Environmental Assessments**

Ongoing air, water, and food quality monitoring, as well as impact on wildlife, human life, and flora and fauna are critical. Reconciliation of the findings of air quality monitoring with experiences of community members and clean-up workers, such as extensive reporting of negative health effects as well as medical evacuations and hospitalizations, must be enacted by EPA and shared with the community so that the disconnect is explained. Air quality monitoring by EPA must include examining pockets where the exposures are more intense.

#### **12)Preservation of the Gulf, Marshlands, Estuaries, and Other Waterways and Dependent Sea Life**

BP must aggressively explore and employ all available and safe solutions to purge the Gulf of Mexico and the various waterways that connect to it, of the oil that has contaminated the water, killed scores of organisms and plant life, and threatened the viability of sea life, flora, and fauna for years to come. BP must financially support rescue efforts for the oiled and otherwise impacted sea life. BP must commit to sustaining this support for as long as it takes until the Gulf is restored to its original state.

#### **13)Clean Energy, Green Jobs, and Increased Regulation of Oil Drilling**

- Recognizing that we do need sources of energy to power our movements and functioning, many community members are dependent on the oil industry in the gulf coast, and deregulation has resulting in the maiming and killing of workers and placed many more workers and communities in significant danger, we acknowledge that complex relationships call for integrated solutions.
- First, the existing oil drilling facilities must be regulated to remove risk to workers and communities. There must be an analysis of the costs and benefits of continued oil drilling.
- We must advance clean energy alternatives that provide safe jobs for communities while significantly lessening negative impacts on environment and community.