

An Unnatural Disaster: The Aftermath of Hurricane Katrina Executive Summary

by Member Scholars of the Center for Progressive Reform

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Introduction

The extent of the human tragedy produced by Hurricane Katrina has nearly overwhelmed our ability to comprehend it. In the days immediately following the hurricane, as the full scope of the tragedy revealed itself, Americans began responding as they so often have in the past, with courage in the face of adversity, financial generosity, acts of heroism great and small, and compassion and personal sacrifice.

Amid the outpouring of support for the evacuees and the commitments to rebuild, we have also witnessed a gathering storm of criticism. It is clear even at this early stage that the Hurricane Katrina tragedy is not a “wake-up call,” as some have described it; rather, it is a *consequence* of past wake-up calls unheeded. By any reasonable measure, government failed the people of New Orleans. Hurricane Katrina was a natural disaster of enormous proportion, but its tragic consequences have been made even worse by an unnatural disaster – the failure of our government adequately to anticipate, prepare for, and respond to the devastation that the hurricane brought.

One very powerful message of the ideology that now dominates both the executive and legislative branches of the federal government is that actions have consequences. The Katrina tragedy has demonstrated that *inaction* also has serious consequences. When a society fails to protect its most vulnerable citizens – its children, its struggling single mothers, its sick and its elderly – from the forces of nature and a winner-take-all system of economic rewards, consequences inevitably ensue. These consequences are often hidden, either because the connection between governmental inaction and human suffering is difficult to establish or because those who suffer the most are themselves at the margins of society.

In the post-Katrina period, it is vital that those investigating the failure of our emergency management systems and institutions focus on the right questions. To the extent that the inquiries focus solely on examples of individual incompetence, however, there is ample reason to worry that they will not. Focusing on incompetence as the root cause of the problems risks ignoring the

This Executive Summary presents the major findings and conclusions contained in the Center for Progressive Reform’s full report, [An Unnatural Disaster: The Aftermath of Hurricane Katrina](http://www.progressivereform.org/Unnatural_Disaster_512.pdf), which is available at www.progressivereform.org/Unnatural_Disaster_512.pdf. The report is a collaborative effort of the following member scholars and staff of the Center for Progressive Reform: David M. Driesen, Syracuse University College of Law; Alyson Flournoy, University of Florida Levin College of Law; Sheila Foster, Fordham Law School; Eileen Gauna, Southwestern University School of Law; Robert L. Glicksman, University of Kansas School of Law; Carmen G. Gonzalez, Seattle University School of Law; David J. Gottlieb, University of Kansas School of Law; Donald T. Hornstein, University of North Carolina School of Law; Douglas A. Kysar, Cornell Law School; Thomas O. McGarity, University of Texas Law School; Catherine A. O’Neill, Seattle University School of Law; Clifford Rechtschaffen, Golden Gate University School of Law; Christopher Schroeder, Duke University School of Law; Sidney Shapiro, Wake Forest University School of Law; Rena Steinzor, University of Maryland School of Law; Joseph P. Tomain, The University of Cincinnati College of Law; Robert R.M. Verchick, Loyola University, New Orleans; and Karen Sokol, CPR Policy Analyst.

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underlying conditions that made it easier, perhaps even inevitable, for those public servants to fail. Indeed, the reaction to Katrina may be like the initial reaction to a traffic accident in which a momentarily careless driver crashes into a tree at a curve in the road. Of course, the driver bears responsibility, but it may also be the case that the transportation engineers who designed the road with too little banking or too flimsy a guardrail contributed to the severity of the accident, as might the politicians who decided that their favorite pork barrel projects or their desires to give tax cuts to the well-to-do were more important than funding the transportation budget so that the road could be fixed.

New Orleans sat in the path of Katrina like a stretch of road with too little banking and with no one having taken responsibility for its repair. In this case, the government failures that preceded Katrina and made it worse seem to span a wide range of environmental, natural resource, disaster-planning, and emergency-response functions for which we rely upon government. Identifying those systematic and programmatic contributors to the Katrina disaster will give us the information we need to demand that government do better. For too long, government has been neglecting responsibilities that we count on it to bear – for preserving wetlands, eliminating the legacy of hazardous wastes discarded in our communities, anticipating large-scale disasters and taking the appropriate steps to prepare for them, reacting quickly and flexibly with large-scale rescue and recovery operations after such disasters, having systems in place to coordinate governmental responses, and above all, for recognizing that the needs of the least powerful and poorest among us are the special responsibility of government.

The proper response to Hurricane Katrina is *action* at every level of public life to restore the critical protections and safety nets that only government can provide for the people. Government is the means through which society has always sought to meet its larger responsibilities to individuals who cannot adequately protect themselves

without some assistance, and to protect the values that bring us together as a people. In examining the manifest failure of government laid bare in Katrina's wake, it is vital that we examine the extent to which the enormity of the disaster was a product of poor policies and decisions, and equally

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critical that we initiate policy changes and reforms that will enable government to accomplish the tasks that Americans expect and demand of it before and after such events.

This report analyzes key policy decisions, as well as actions and inaction under health, safety, and environmental laws, that could have better protected New Orleans from the effects of Katrina before the hurricane and those that could have improved the emergency response in its

wake. In the area of public health, safety, and the environment, the paper explores the implementation of wetlands law and policy, bad decisions regarding the construction and maintenance of the levee system designed to protect New Orleans, pollution prevention and clean-up laws, and energy policy. In the area of emergency response, it reviews policy decisions related to evacuation, shelter, rescue, and relocation. It concludes by examining the overriding issue of how and why poor policy-making and short-sighted planning guaranteed that Katrina visited disproportionate suffering on New Orleanians who were poor and African-American.

Some have begun to argue that the failures of government counsel a course of reducing the responsibilities of government by waiving environmental and worker protections, shielding wrongdoers from liability, and relying even more on the private sector. But using the Katrina disaster as an excuse to enact simplistic prescriptions for reducing governmental protections, limiting governmental accountability, and enriching favored business constituencies would be a serious mistake.

Almost a century ago, tragedies like the great Galveston Hurricane of 1900, which killed 6,000 people without warning, and the 1911 Triangle Shirtwaist fire, which killed 146 immigrant female workers locked in a burning

building, made it impossible for the privileged few to hide the consequences of a laissez-faire economy. The progressive movement offered an alternative that stressed a positive role for government in fulfilling society's responsibilities to its citizens. Today, government must again play an active role in protecting its citizens from the visibly powerful forces of nature *and* from the less visible, but equally powerful forces of policy-making that is sometimes slanted away from protecting and serving the public and toward protecting profit margins.

In its recently published book, *A New Progressive Agenda for Public Health and the Environment*, the Center for Progressive Reform (CPR) identified a set of principles to guide a modern progressive approach to government. The concluding section of this report revisits those principles, by way of framing the questions that should be the starting point for conceiving and crafting policies by which government can help fulfill our collective responsibility to one another and to our shared environment. The concluding section of this report suggests preliminarily how these principles respond to the governmental failures that are still being uncovered in the aftermath of the storm's devastation. As conservatives often observe, government cannot be the sole vehicle for fulfilling a society's obligations. But Hurricane Katrina reminds us that it must play a prominent role, and that toward that end, its policies must be designed and its structures built so that it can adequately serve the functions expected of it in fair weather and foul alike.

Executive Summary

In the weeks since Hurricane Katrina devastated the Gulf Coast, much attention has been paid to the manifest failure of government rescue efforts. The searing images on Americans' television screens, persisting for days after the storm had passed, demanded as much. But as cleanup and rebuilding commence, a broader view is in order, one focused less on the apparent incompetence and unpreparedness of the government officials charged with managing such emergencies, and more on the failures of policy-making and resource allocation leading up to the disaster. An examination of those failures leads to a simple conclusion: the hurricane could not have been prevented, and some flooding may have been inevitable, but at least some, and perhaps much, of the damage

visited upon New Orleans by Hurricane Katrina could have been prevented by wiser public policy choices.

The choices that failed New Orleans are the subject of this report. It examines the environmental decisions that robbed the area around New Orleans of the natural environmental features that might have absorbed floodwaters before they toppled levees. It looks at the policy choices – not merely the incompetence – that resulted in the government's feeble emergency response. It identifies the serious environmental challenges now facing the New Orleans area resulting from environmental policy-making that allowed toxic chemicals to be produced, handled, and stored in such a manner that flooding would loose them on residents. It discusses the effect of energy policy choices on Katrina, as well as the implications of Katrina for future choices. It explores the “environmental justice” lessons to be learned from the Katrina disaster – how environmental policy disfavors poor and minority Americans. It concludes with a series of challenging questions to be examined by investigators and policymakers as they begin the long process of rebuilding and the longer process of reshaping government policy to prevent Katrina-style environmental and policy disasters from compounding natural disasters in the future.

In addition, we strongly recommend that Congress create an independent commission to pursue these questions, in an atmosphere free of the bitter partisan strife that seems to swamp both houses in anticipation of the 2006 mid-term elections. The notion of a bipartisan, objective congressional investigation, promoted by the President, does not seem possible or desirable given the rancor of recent days.

Historical Roots of the Disaster: Hollow Government and Failed Protection of Public Healthy, Safety, and the Environment

The failure of New Orleans' levees was preceded by a failure of environmental protection and planning. Louisiana's coastal plain contains one of the largest expanses of coastal wetlands in the contiguous United States, but it is being lost at a rate of 6,600 acres per year. The main culprit in wetlands loss in the area is the vast network of levees, navigational channels, and oil-and-gas infrastructure. Important though the network is to safety and commerce, it accelerates coastal land loss by reducing the natural flow of a river's freshwater and

sediment to wetland areas where lost land would then naturally be replenished. In addition, the area's major navigational channels pose their own special threat to flood control by sometimes acting as "hurricane highways," allowing storms to sweep inland, past marshland, like liquid bulldozers.

In 1998, state and federal agencies, with the participation of a diverse group of local churches, scientists, environmentalists, and fishermen, developed "Coast 2050: Toward a Sustainable Coastal Louisiana," which offered a host of ecosystem restoration strategies. Its \$14 billion price tag pales by comparison to the cost of rebuilding New Orleans, but Coast 2050 was never funded, and the President's 2005 Energy Bill provided only \$540 million for Louisiana's coastal restoration over four years. It is time to renew the promise of Coast 2050, completely funding it.

A Look at the Numbers: Estimates of Post-Katrina Conditions

Drinking Water in Louisiana & Mississippi

Of Louisiana's 683 total facilities, which serve 2.5 million people:

- 498 operational and meeting EPA standards
- 26 operating on a "boil water notice"
- 159 either inoperable or status unknown

Of Mississippi's 1,368 total systems, which serve 3.2 million people:

- 1,073 operational
- 231 operating on a boil water notice
- 64 either inoperable or status unknown

Oil and Petroleum Contamination in the New Orleans Area

- 5 major oil spills
- 160,000 barrels of oil spilled (one barrel holds 42 gallons)
- 7,000,000 gallons of oil spilled from industrial plants, storage depots and other facilities
- 350,000 vehicles contributing to petroleum contamination

Broken Levees: Predictions That Came True

Over a period of many years, scientists had predicted that a strong storm could breach the levees, and some had predicted what appears to be the precise sequence of breaches that flooded the city. The failure to protect New Orleans resulted from inadequate planning by the Army Corps of Engineers (Corps), and from the failure of the federal government to fund badly needed improvements once those limitations were recognized. Neither the Corps nor Congress adequately accounted for the loss of life and property that would occur if a catastrophic hurricane hit New Orleans. A hurricane protection plan implemented after 1985 by the Corps was designed to protect the city against what roughly corresponds to a fast-moving Category 3 storm. Hurricane Katrina struck the Louisiana/Mississippi coast as a Category 4 storm.

Moreover, although the Mississippi River-Gulf Outlet (MRGO) canal was a primary cause of the flooding, it is seldom used and heavily subsidized by taxpayers. Less than three percent of the New Orleans port's cargo traffic uses the MRGO, less than a ship a day. Although New Orleans' vulnerability was widely predicted, the Corps declined to move forward with enhancements to the levee and floodwall system because "no clear bureaucratic mandate exists for reassessing the blueprints once levees are built." Moreover, when Congress has appropriated money to protect New Orleans better, the Corps has not been in a hurry to get the job done. Finally, the Bush Administration and its predecessors have failed to fund Corps requests.

Toxics in the Air and Water: The Long-term Poisoning of New Orleans

Katrina left a range of serious environmental problems in her wake, including contaminated water; multiple oil spills, typically from above-ground tanks; leaking underground tanks containing fuel and chemicals; flooded sewage treatment plants; and flooded buildings, lagoons, lots, and individual containers containing a wide array of toxic chemicals that were washed out into the ambient environment.

Government officials responsible for removing the floodwaters faced a choice between two environmentally horrid alternatives: they could wait to pump the water out of the city until a mechanism was put in place to

remove at least some of the contamination, or they could pump the contaminated water back into Lake Pontchartrain and the Gulf of Mexico. Officials chose to pump the water immediately, and as a result many fish and other water-dependent organisms will die. The pumping will also undo the hard-won success of cleaning up Lake Pontchartrain to the point that portions were recently deemed safe for swimming.

For its part, the Environmental Protection Agency (EPA) has deployed hundreds of workers to the Gulf Coast and is working frantically to test floodwaters, soil, air, and drinking water sources to measure and mitigate risks to the environment. Although the Agency is currently receiving a “pass through” from the Federal Emergency Management Agency (FEMA) to cover this work, it is not clear how long that form of funding will last. If and when the Agency runs out of external funding, the resulting squeeze could cripple EPA’s capacity to do anything but cope with Gulf Coast problems.

Another important question hovers over the entire enterprise: could the environmental damage have been avoided if planning and enforcement had adequately accounted for the inevitable flood that Katrina finally brought? The answer is straightforward: Katrina could not have been stopped, but much of the environmental nightmare could have been.

- The Clean Water Act (CWA) requires the preparation of Spill Prevention Control and Countermeasure Plans by facilities that store petroleum products in above-ground containers. There has not been time to investigate whether adequate plans were in place, but it appears very likely that many of the sources of the spills did not construct adequate containment.
- The Resource Conservation and Recovery Act (RCRA) requires virtually all facilities that manage, store, or dispose of hazardous waste to have emergency plans that prevent the waste from escaping into the environment in the event of an accident, including foreseeable events like a hurricane. It is not yet clear how many of the 21,000 containers EPA picked up in the streets held hazardous wastes, but

based on past experience, it is highly likely that many did.

- Finally, there is the troubling question of flooded Superfund sites, with damage that was exacerbated by poor initial cleanups. Reports are that one of three Superfund sites in the path of the hurricane is submerged under water, while the other two were flooded – with their dangerous contents joining the sewage and household hazardous chemicals in the water now being pumped into the Gulf of Mexico and Lake Pontchartrain. These sites should never have been allowed to become toxic, and once they were identified, they should have been cleaned to avoid exactly the outcome Katrina wrought.

- Superfund is also relevant to the cleanup effort, because the statute and the money that funds it are the primary sources for EPA’s legal authority and resources to respond to releases of hazardous substances into the environment. Indeed, a disaster on the magnitude of Hurricane Katrina is exactly what Superfund’s “emergency removal” provisions were designed to address. Among the sources of revenue for the Superfund toxic waste

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cleanup program were taxes on the production of crude oil and the manufacture of chemical feedstocks, as well as general tax revenues. Congress allowed the industry taxes that provide the bulk of the program’s funding to expire in 1995. Since then, the program has limped along on limited funds from general tax revenues and cost-recovery actions against companies that created the sites. That reduced funding made it difficult for EPA to clean up the three New Orleans-area sites in the first place, and now it will handicap the coming clean-up effort. Democrats in Congress have fought a long and losing battle to persuade their Republican colleagues and the Bush Administration to revive the industry taxes that support the Superfund. That effort may well be renewed in the wake of Katrina.

Implications for Energy Policy

The United States' continued over-reliance on fossil fuels is unwise for several reasons. Katrina highlighted two. First, the over-reliance contributes mightily to global warming, which, according to scientists is increasing the severity of hurricanes, making Katrina-type disasters more likely. The United States has repudiated international efforts to prevent global warming, and is indeed barely willing to admit the problem exists. Second, the policy of over-reliance on fossil fuels invites the types of disruption in energy supplies felt across the nation after Katrina. Congress and the President have declined to enact energy-efficiency legislation that would save money, make industries more competitive, and prevent pollution. Instead, energy policy tilts heavily in favor of increasing the supply of fossil fuels in an effort to keep prices low, despite the threats to people and the environment posed by the use of such fuels.

Emergency Response Planning and Implementation

The consequences of Katrina for anyone left stranded in New Orleans were not only foreseeable; they were foreseen. Among difficulties faced by state and local planners was that more than 100,000 New Orleanians, principally the poor, mostly black residents without cars, together with the elderly, disabled, and infirm, would be unable to evacuate themselves. In the face of this certain knowledge, government officials failed to provide public transportation, leaving tens of thousands of residents to fend for themselves.

Despite ample and clear warnings, the federal government did not even begin seriously to address the situation until 2004. At that time, the Department of Homeland Security (DHS) issued a contract to a consulting firm to develop a better plan. FEMA Director Michael Brown promised to move quickly to polish the plan and move forward. Nevertheless, DHS cut funding for hurricane disaster planning, and according to former FEMA Director Michael Brown, "Money was not available to do the follow up." The federal government also failed to provide any resources to the city or state to fund emergency bus service or provide other means to assist in evacuation. In the absence of any federal help, New Orleans was unable to marshal the resources to implement a public transportation evacuation plan. So

when the order to evacuate New Orleans came on August 28, 2005, it was effectively meaningless to tens of thousands of residents without the resources to get out on their own.

FEMA: Skewed Priorities, Cronyism, and Defunding

Since its creation by President Jimmy Carter in 1979 and until this administration, FEMA had been an independent federal agency, eventually enjoying cabinet level status, and focused on providing relief and emergency response services after natural disasters. When DHS was created in the wake of the tragedies of September 11, 2001, FEMA lost its independent status and became one of 22 agencies of the department. The shift has affected FEMA's priorities. DHS emphasizes terrorism at the expense of other threats, so much that in 2005, nearly three of every four grant dollars from DHS to first responders went to programs exclusively focused on terrorism. As Claire Rubin, a Senior Researcher at George Washington University, warned after the reorganization, "a large number of people who are experienced with natural hazards no longer are doing that primarily or at all." Indeed, in May 2003, DHS staged a series of exercises on counter-terrorism and weapons of mass destruction, by chance the same week that hundreds of real-life tornadoes ripped through the Midwest. FEMA personnel who otherwise would have attended to the tornadoes stayed behind to participate in the counter-terrorism drills.

Equally troubling is the Bush Administration's inattentiveness to disaster mitigation, substantially reducing the amount FEMA may spend on such measures.

Moreover, the Bush Administration has worked to apply the principles of small government to FEMA, while introducing privatization and decentralization to emergency management. The President's first FEMA director lamented in Senate testimony that "Federal disaster assistance may have evolved into both an oversized entitlement program and a disincentive to effective State and local risk management," and suggested that certain disaster management responsibilities, such as providing food and shelter to the displaced, should be delegated to faith-based charities. These changes have undoubtedly affected FEMA's preparedness and ability

to respond. In March 2004, former FEMA head James Lee Witt testified before Congress that “the ability of our nation to prepare and respond to disasters has been sharply eroded I hear from emergency managers, local and state leaders and first-responders nearly every day that the FEMA they knew and worked well with has now disappeared.”

President Bush’s appointments to FEMA have gone to political cronies with little or no disaster-response experience. Patronage appointments are nothing new in Washington, but previous appointments to FEMA have at least had experience in emergency management.

The National Guard: Depleted by the Iraq War and Misused

The National Guard presence in Iraq has taken its toll on the equipment and personnel available to respond to domestic emergencies. By one media account, much of the Louisiana National Guard’s most valuable equipment was in Iraq, and would take months to return, including “[d]ozens of high water vehicles, Humvees, refuelers, and generators.” As Lt. Col. Pete Schneider of the Louisiana National Guard said, “The National Guard needs that equipment back home to support the homeland security mission.” In addition to the unavailable brigades and equipment, and the toll of wartime duty, the hidden cost of slower deployment to disaster scenes exacerbated the shortfall. It does not appear that the Louisiana Guard was sufficiently mobilized in the days prior to Katrina, so that its ability to respond quickly afterwards was impaired by several days.

The Two Americas: Race, Class, and Injustice

Race, class, and injustice were key dimensions of the failed policies described above. The simple truth is that the devastating effects – the lost lives, the demolished homes, the shattered communities, the affronts to dignity – were suffered disproportionately by people of color and low-income people in New Orleans, where race is an important factor in the spatial layout, particularly in terms of proximity to polluting facilities, access to public amenities, and protection (whether natural or built) from

floods. A host of government decisions made long before Katrina had the potential to mitigate or exacerbate the effects of a hurricane for the people of New Orleans. Where government officials chose to forego provision of basic services and protections, they should have been clear on precisely *who* would be left to fend for themselves.

Shifting Responsibility, Shifting Blame

The Bush Administration has endorsed a shift in responsibility for basic health, safety, and environmental protections, working to diminish government’s role in assuring even minimally healthful conditions for all, leaving it to those at risk to protect themselves. One effect of this shift is to burden people of color and the poor; because these groups are disproportionately the ones most exposed and most vulnerable, they will be the ones left to fend for themselves.

Justice in Cleanup and Rebuilding

The cleanup and rebuilding effort now beginning also raises questions of justice. Community members and environmental justice leaders have raised concerns about when and how the contaminants left by floodwaters will be cleaned up, citing evidence of inequities in environmental cleanups more generally. They and others have also questioned the rush to waive standard health,

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safety, environmental, and social protections – allowing refineries around the nation to forego Clean Air Act requirements, and allowing federal contractors to pay below the prevailing minimum wage in rebuilding projects. Community members and leaders are also concerned that the reconstruction could be a vehicle for permanently

displacing many black residents from the city by way of intensified gentrification, and that people of color and the poor will be left out of important rebuilding decisions.

The Conservative Vision

Many conservatives appear eager to use Katrina as an opportunity to implement a broad conservative agenda that includes deregulation, limits on tort remedies, and evisceration of important environmental safeguards. More generally, some conservatives have reacted to Katrina by advancing the argument that the failure of

the government to respond effectively to Katrina is proof of their belief that government is always inept because governmental bureaucracies are by their very nature ineffective. The argument's conclusion is that we need less government – a cruelly ironic message indeed for the citizens of New Orleans whose government abandoned them with so little for so long.

The Progressive Vision

As CPR's book, *A New Progressive Agenda for Public Health and the Environment*, documents, progressive government has made substantial strides in cleaning up our environment. The book sets out a series of fundamental principles that can help guide decision making as we reexamine our policies and priorities in the aftermath of Hurricane Katrina.

Address the Source Not the Victim: Pollution control and cleanup laws and policies that place the burden of avoiding harm on citizens, rather than requiring control by the sources of pollution, are unfair and expose all of us to higher risk in the event of a catastrophe.

Reduce Ignorance / Democracy Demands Disclosure: The many questions about the toxic soup of floodwater and sludge left by the hurricane highlights the vital importance of collection and disclosure of information about potentially hazardous substances produced, used, and stored by a wide array of industries.

Better Safe than Sorry: A precautionary approach to planning and preparation for such emergencies may be both necessary to satisfy the American public's basic moral impulses and a sound investment. Similarly, in evaluating our energy policy, we should employ a precautionary approach that accounts for the contribution of fossil fuels to climate change.

Be Fair: A commitment to improving the well-being of all Americans requires that there be a fair distribution of environmental and other burdens. The planning for and response to Hurricane Katrina, as well as the distribution of risks created by the legal status quo before the Hurricane, placed the most vulnerable of citizens at the highest risk.

Public Resources Belong to Everyone: In the aftermath of Hurricane Katrina, we are reminded of the key role wetlands play in protecting people and property today from storm impacts. Ecosystem services and values like flood control are often overlooked in decisions regarding the fate of natural resources, even under laws that purport to protect the public interest.

Perhaps no message is clearer in the wake of Hurricane Katrina than this: Government has a vital role to play in protecting life and property from natural and man-made disasters and in helping the recovery from such disasters. But government requires adequate funding and appropriately-structured institutions to perform these critical roles.

Make Government Work: Perhaps no message is clearer in the wake of Hurricane Katrina than this: Government has a vital role to play in protecting life and property from natural and man-made disasters and in helping the recovery from such disasters. But government requires adequate funding and appropriately-structured

institutions to perform these critical roles. Those who advocate further weakening of government would either leave us unprotected or turn important functions over to unaccountable private hands. Neither option can safeguard the public.

For More Information . . .

Please contact the following CPR scholars and staff for additional information on:

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- *Energy Policy:* Joseph P. Tomain
- *Evacuation Planning:* David J. Gottlieb and Karen Sokol
- *Shelter Planning:* Clifford Rechtschaffen
- *FEMA & National Guard Response:* Christopher Schroeder
- *Environmental Justice:* Catherine A. O'Neill

Key Questions

The failures of government preparation for and response to Katrina demand thorough, independent, and nonpartisan investigation. This report lays out dozens of questions that should be considered in that effort, extending far beyond questions of basic personnel competence. They include:

- What analysis was performed in reaching the decision not to fully fund Coast 2050? Are there ecosystem restoration initiatives like Coast 2050 in other areas of the country vulnerable to natural or man-made disasters that have gone unfunded but which may help us to avoid catastrophic loss by timely investment?
- Should Congress provide more funding for the construction of channels and floodgates in the levees of the Mississippi River's southern bank that would allow sediment and freshwater to be diverted down into the delta, to restore wetlands? Should Congress fund the construction of a new navigation channel from the Gulf into the Mississippi?
- Given that natural sources of storm protection are currently being destroyed at an unacceptable rate, what changes in our environmental laws and policies are needed to fully account for the value to the public of preservation of these resources?
- Why has the government continued to spend so much money on the relatively useless MRGO Canal, given that it posed such an enormous risk to the city?
- Now that Hurricane Katrina has revealed the inadequacy of the Corps planning, should the system be enhanced to withstand the 'worst case scenario' Category 4 or 5 hurricane?
- Did the Corps' cost-benefit approach to addressing the issue of loss of life lead it to downgrade the importance of constructing adequate levees to protect New Orleans or fixing the levee system to offer more protection?
- Katrina caused serious damage to the infrastructure that supports oil and gas production, as well as hundreds of facilities handling significant quantities of hazardous chemicals. How does EPA plan to conduct an independent assessment of the environmental releases that occurred at such facilities, including air emissions, spills of chemical product and waste, and fires caused by such events?
- What are the protocols for testing drinking water for the broader suite of chemicals likely to have migrated into supplies as a result of the storm and how are federal and state authorities ensuring that such testing gets done?
- How will EPA ensure that the re-habitation of New Orleans, Mississippi, and other areas affected by Katrina is safe in light of remaining toxic deposits in soil and water?
- Is all information relevant to public health and safety being shared with the public in a timely fashion?
- To what extent did the chemical and biological contamination that has been discovered in New Orleans since Katrina result from noncompliance with or inadequate enforcement of the federal environmental laws described above?
- Have the EPA and Congress undertaken the necessary assessment of the funding needed to fully implement and enforce federal environmental laws in order to protect public health and the environment in cases of natural and man-made disasters and reduce potential future cleanup costs?

Key Questions, Continued

- A long, intentional, and successful effort to weaken the Superfund program has left it without adequate funds to address the new dimensions of risk posed by Superfund sites that Hurricane Katrina has made apparent. In addition, the aftermath of the hurricane has created need for an emergency response and may produce new sites that warrant cleanup under Superfund. What is the vulnerability of all Superfund sites, including those near water bodies, to natural and man-made disasters? Does EPA have adequate funding to undertake such an assessment? How will EPA and the states deal with the potentially responsible parties who created the sites, and either never stepped forward to pay for cleanup or paid for a remedy that now appears inadequate? Will Congress react quickly to extend the industry taxes that support the Superfund to enable a quick and adequate response to these new challenges as well as NPL sites?
- Do the oil and gas subsidies in the Energy Policy Act of 2005 make sense given high prices and high profits to oil companies? Should Congress reconsider higher fuel efficiency standards for SUVs and similar gas-guzzling and energy-inefficient vehicles, given the problems associated with both high gas prices and the human contributions to climate change?
- What drove the failure of the city and state to have adequate emergency plans? Was it not a priority? Funding constraints? The lack of political power of those left behind? To what extent was the failure of the state and the city to evacuate or successfully shelter the vulnerable population after the storm hit a function of the lack of an adequate plan? The scope of the task? The failure of the federal government to provide quick and effective backup? A failure of coordination?
- Assisted evacuation *before* the storm was clearly the only viable option to ensure the safety of those without the means to get out on their own. Why, once the failure to plan for evacuation forced thousands to remain, did the federal government fail to rescue promptly those left in such deadly circumstances, even though federal officials had known, at least since the Hurricane Pam simulation in 2004, that such a rescue mission would be necessary?
- Why did poor, mostly black, residents of New Orleans suffer the most as a result of the emergency planning failures? What measures do all levels of government need to take to ensure that everyone is accorded equal protection from emergencies – regardless of race or income level?
- Should the federal government continue to rely on states and cities to be primarily responsible for emergency planning and response, with FEMA playing only a backup role?
- To what extent were FEMA's problems the result of the emphasis in DHS on responding to threats from terrorists?
- What was the role of cuts to FEMA's budget for hurricane disaster planning?
- What role did the reliance on outsourcing and privatization play?
- What accounts for the failure of the National Guard to provide an effective and rapid back-up to the first responders in New Orleans?
- What steps must be taken to ensure that the poor and people of color have adequate opportunities to participate in the decision making processes associated with rebuilding?

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About the Center for Progressive Reform

Founded in 2002, the Center for Progressive Reform is a 501(c)(3) nonprofit research and educational organization dedicated to protecting health, safety, and the environment through analysis and commentary. CPR believes sensible safeguards in these areas serve important shared values, including doing the best we can to prevent harm to people and the environment, distributing environmental harms and benefits fairly, and protecting the earth for future generations. CPR rejects the view that the economic efficiency of private markets should be the only value used to guide government action. Rather, CPR supports thoughtful government action and reform to advance the well-being of human life and the environment. Additionally, CPR believes people play a crucial role in ensuring both private and public sector decisions that result in improved protection of consumers, public health and safety, and the environment. Accordingly, CPR supports ready public access to the courts, enhanced public participation and improved public access to information. Direct media inquiries to Matthew Freeman at mfreeman@progressivereform.org. For general information, email info@progressivereform.org. Visit CPR's website at www.progressivereform.org. The Center for Progressive Reform is grateful to the Deer Creek Foundation for its generous support of this project and CPR's work in general.



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