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Louisiana Town Goes to Trial Over Waste Pit

By Kevin Slack July 13, 1998

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The people of Grand Bois say their symptoms began almost immediately that day in March 1994 when eight tractor trailers loaded with oil field sludge rumbled past their tiny Acadian community and into an adjacent waste disposal site.

“When the trucks took the curve, the smell just took over the community,” said Clarice M. Friloux, a 32-year-old mother of two. “The kids were getting off the school bus with their shirts over their faces. They stayed sick with diarrhea and dizziness for several days. Our noses were burning, sore throats. You’d wake up with swollen, puffy eyes.”

For 10 days the convoys continued, 81 trucks in all, bringing waste laced with substances like benzene, xylene, hydrogen sulfide and arsenic from an Exxon petroleum treatment plant in Alabama. Men sheathed in white protective suits unloaded the waste into a giant earthen pit, just 333 feet from the tin-roofed home of Lyes L. Verdin.

Mr. Verdin is a charcoal-haired bantam of a man whose Cajun accent is as impenetrable as the humidity along Bayou LaFourche. He maintains that his 8-year-old daughter, Angel has suffered since that day from chronic headaches, rashes and diarrhea so severe that he must keep a bucket in his family car. As shipments have continued, residents across Grand Bois have blamed ailments from dizziness to chest pains on the chemicals.

On Monday, in a courtroom in nearby Thibodaux, Mr. Verdin and his neighbors in this settlement will seek their revenge. Led by a 33-year-old New Orleans lawyer who took the case two years out of law school, the first 11 of 301 plaintiffs – virtually the entire population of Grand Bois – will present their case against Exxon and the Campbell Wells Corporation, the former owners of the disposal site.

The trial pits the grandmamas and fishermen of Grand Bois against the most powerful industry in the state, an industry that won a Congressional exemption 18 years ago to allow it to dispose of oil field waste with virtually no regulation.

The residents are seeking at least \$8 million in compensatory damages and unspecified punitive damages. Separate lawsuits have been filed in state and Federal courts seeking injunctions to shut down the waste disposal site.

The trial in Thibodaux, which is expected to last at least a month, will be watched closely by the oil industry, by Federal regulators and by the state government.

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Publicity about the problems in Grand Bois (pronounces Grand BWAH) has become an irritant for Gov. Mike Foster, who is distrusted by the residents and who, in turn, is deeply frustrated that the community has rejected the state's offers of medical and environmental testing.

Mr. Foster said that without the benefit of comprehensive testing, he remains unconvinced that the waste site is the source of the community's health problems. That is essentially the position taken by Exxon and Campbell Wells.

"We have not discovered a problem yet," said Mr. Foster, a first-term Republican who is considered friendly to business. "I mean, we can't identify a problem," Clearly exasperated, he said he empathized with the community but added: "I'm tired of it and I want to get it resolved. It is not good for the state of Louisiana to have these kind of allegations floating around out there."

Here along the murky bayous of southern Louisiana, there has long been an uneasy coexistence between the oil industry and the vibrant, insular culture of the Cajuns and Houma Indians. It is a place where gleaming silver petrochemical plants rise out of vast stands of sugar cane like Oz out of the poppy fields. The gentle breezes that sway beards of Spanish moss in the oaks may also carry odors of sulphur and diesel across the porches of Acadian cottages.

But rarely have the tensions been as exposed as in Grand Bois, a community of 94 houses, too small for the maps, where residents see the neighboring waste pits as a threat to a beloved way of life. Folks here inevitably describe their hamlet as a single extended family, where people trust one another enough to leave keys in their car ignitions and where special occasions are celebrated around kettles of boiling crawfish.

The people fish and crab and work in the shipyards and hospitals. Even if they wanted to move away from the 18 waste cells, which are contained by low levees, few could afford to do so without selling their homes. For the time being, that is impossible. Residents have lined the main road with homemade signs warning of toxic chemicals and depicting the Grim Reaper. The real estate market is, to say the least, depressed.

The community's emotions swing from anger to sadness and fear. "I've had my life," said Joyceline M. Dominique, a 58-year-old grandmother of 12 who has filled five composition books with a chronicle of her family's ailments. "If I go, so be it. But with the children, these are the best years of their lives."

The trial is certain to become a battle of experts, thick with testimony about chemical compounds and medical histories. A central piece of evidence will be the blood and urine testing conducted by Dr. Patricia M. Williams, director of the Occupational Toxicology Outreach Program at the Louisiana State University Medical Center in Shreveport.

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She found that 74 percent of the 99 women and children tested had stippled red blood cells, a deformity typically caused by heavy metal poisoning or chemical exposure.

"Normally you would find zero," Dr. Williams said. "So when you see such a spectrum with all these different children from different households, you have to say there's an outside environmental reason."

The residents' case will not be easy to prove, and not only because of the circumstantial nature of the evidence.

In 1980, when memories of the 1979 gas shortage were still stark, Congress granted petroleum exploration and production companies an exemption from the hazardous waste disposal regulations that apply to most other industries.

Those who question the exemption, including Carol M. Browner, the Administrator of the Environmental Protection Agency, call it a sweetheart deal for an industry protected by powerful politicians.

Industry spokesmen, like Mark Rubin, the senior manager for exploration and production of the American Petroleum Institute, say the exemption was granted because only small amounts of the waste produced by oil drilling are toxic and because stricter rules would cost the industry more than \$1 billion a year.

The exemption left the regulation of oil field waste disposal to the states. And in Louisiana, where the petroleum industry employed 79,000 people last year, oil field waste has been defined as non hazardous.

That leaves Gladstone Jones 3d, the confident young lawyer for the Grand Bois residents, to prove that Exxon and Campbell Wells were negligent in their handling of the waste, and to convince a jury that his negligence claim outweighs the protection afforded by the oil industry's regulatory exemption.

"They knew they had lots of hydrogen sulfide," Mr. Jones said. "They knew they had lots of benzene. And, nevertheless, because of this law saying it was nonhazardous, they sent it anyway." Both benzene and hydrogen sulfide are known toxins.

Lawyers for Exxon and Campbell Wells declined to comment. But it is clear from court documents and pretrial proceedings that they will argue that there is no scientific proof

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of a link between the waste site and the community's health problems.

They are also expected to point out that there were no complaints from the community about similar wastes at the site in the decade before the Exxon shipment arrived. And they will maintain that the residents' ailments may be due to other health problems, like diabetes, and that any environmental toxins could have come from other nearby sites.

"There just are no such emissions from our site," said Jerry L. Brazzel, the division engineer for U.S. Liquids Inc., which bought the 120-acre site from Campbell Wells in 1996 and is named in a separate Grand Bois lawsuit. "Now the people may have some kind of infirmities but there is just no scientific basis for the claims they have made. If we had the kind of problems at our site that the plaintiffs contend, it seems to me our employees would be getting some of the same symptoms. And none of them have."

In 1997, State Senator Mike R. Robichaux, a physician who has championed the cause of his constituents in Grand Bois, proposed legislation that would have shut down the oil field waste pits. The measure failed.

But it succeeded in gaining attention for the problems in Grand Bois, and Governor Foster soon ordered state agencies to begin monitoring air and water quality in the area. In April, he ordered that oilfield wastes be tested across Louisiana to ultimately set new standards for acceptable levels of toxic material. He also invited the Agency for Toxic Substances and Disease Registry, a division of the Federal Centers for Disease Control and Prevention, to study health concerns in Grand Bois.

But residents remain skeptical, and unwilling to cooperate until the trial concludes. They argue that Mr. Foster has been slow to act and has generally sided with the oil industry. They also note that the Governor reported on state ethics forms that he earned more than \$200,000 in Exxon oil lease royalties in 1997. Mr. Foster said it was "hogwash" to suggest that his views on Grand Bois were influenced by his investments.

Without more testing, Mr. Foster said, the only demonstrable fact is that the waste site leaves a bad odor in Grand Bois.

"That's not unusual anywhere in south Louisiana," he said. "We've got chemical plants over here and when the wind's right, you're going to smell them. You have a paper mill anywhere around and you're going to smell it. That's not to say it's desirable, but it's not a major health emergency -- usually."

Works Cited

Sack, K. (1998, July 13). Louisiana Town Goes to Trial Over Waste Pit. Retrieved from The New York Times: <https://www.nytimes.com/1998/07/13/us/louisiana-town-goes-to-trial-over-waste-pit.html>