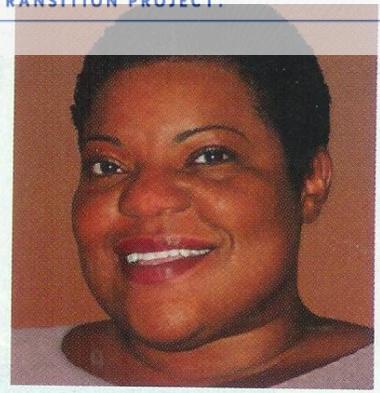




backtalk | BY MONIQUE HARDEN



Let's Legalize Safe Communities!

Women of color are at the forefront of challenging laws that make us vulnerable to disaster and displacement

ON THE THIRD ANNIVERSARY OF HURRICANE Katrina, I was preparing for another evacuation. This time it was Hurricane Gustav, and my family and friends braced for the possibility that our time away from home could be, as it was for Katrina, indefinite.

Gustav fortunately didn't cause the same level of damage, and governmental officials praised themselves for a successful evacuation. However, they made no preparations to avoid the financial crisis now faced by evacuees—many of whom are African American women living paycheck to paycheck—whose requests for FEMA-promised reimbursement of hotel costs have been denied unless their homes now qualify as “unlivable.” Their financial burden follows three years of struggle by African American women to overcome governmental barriers to recovery after Katrina. And their ongoing struggle is rooted, in part, in decades of work by women of color to achieve a safe and healthy environment in communities that have become dumping grounds for oil refineries and petrochemical manufacturers. We are reeling from the one-two punch of environmental law and national disaster-response law that make our communities vulnerable to disaster and displacement.

The first punch is delivered by environmental laws, such as the Clean Air Act and Clean Water Act, which have permitted industrial facilities to contaminate communities of color—some, tragically, into extinction. These laws approve the spewing of massive amounts of cancer-causing chemicals, as well as the release of greenhouse gases that contribute to the climate-change effect of increasingly strong hurricanes and other extreme weather. Thousands of miles of coastal wetlands—the very areas that slow down hurricanes and protect communities from flooding—have been destroyed through the issuance of environmental permits to offshore oil and gas drilling in the Gulf of Mexico.

The second punch is a law that removes governmental accountability in the event of a national disaster. The Robert T. Stafford Disaster Relief and Emergency Assistance Act, enacted in 1974, is only as good as whoever is in the White House, since it gives the president broad dis-

cretionary authority over everything from emergency medical assistance to FEMA grants to rebuilding programs. The way George W. Bush exercised this authority after Katrina has prolonged the displacement of New Orleanians and residents of the Gulf Coast region by demolishing public housing and providing inadequate assistance to homeowners and renters. He extended this agenda to the 2008 Midwest flood. When a National Public Radio reporter asked FEMA regional administrator Richard Hainje what Midwesterners could do if FEMA's low-interest loans weren't sufficient for rebuilding their flood-damaged houses, he responded, “Faith-based and nongovernmental organizations, they actually come in a very large way, and they can bring a lot to the table.” In other words, there is no federal obligation to ensure people's recovery from a national disaster.

Furthermore, under the Stafford Act, we do not have the right to sue the federal government when it causes additional harm after a disaster. Recently, federal judges invoked the act to dismiss New York lawsuits against Bush's Environmental Protection Agency for making false statements after 9/11 that led residents and emergency workers to be exposed to poisonous air.

How safe and secure are we with laws that can turn our neighborhoods into toxic dumping grounds, increase the risk of extreme weather and subject us to the whims of a president in the event of a national disaster? The injustice of such laws is severely inflicted on communities of color, where women with few resources are nonetheless fighting to protect fundamental human rights, all of which depend on a healthy and sustainable environment and an accountable government. It's time that all Americans realize that this is *their* fight, too. ■

To learn more about your right to live in healthy, safe and sustainable communities, check in with Harden's group, Advocates for Environmental Human Rights, www.ehumanrights.org.

MONIQUE HARDEN is codirector and attorney at Advocates for Environmental Human Rights, a nonprofit law firm with headquarters in New Orleans.