

Student Presentations:

(from Session 7)

Environment

1. Environmental Analysis
 - a. Elevation
 - i. Treme is not that far below sea level
 - b. Contaminants:
 1. Arsenic
 2. Lead
 3. Diesel
 4. Benzopyrene
 - ii. Testing
 1. EPA
 - a. Released numbers, but no analysis
 - iii. Analysis:
 1. NRDC
 - a. Released a report based on EPA numbers
 - b. What will be more relevant is what is one the site
 - c. Exposure:
 - i. Ingestion (children)
 - ii. Inhalation
 1. Volatile Chemicals
 2. Particulate Matter
 - iii. Absorption
 - d. Contaminated Sediment
 - i. While elevated above EPA standards, they are below "natural" background levels
 1. The levels could have been increased through years of industrial activity
 - e. Rebuilding
 - i. Limiting exposure
 1. School yard testing
 2. Children should be protected as much as possible
 - f. Mold
 - i. Outdoor, mid-city, spore count: 92,000
 1. Extremely high; over 50,000 is considered the highest level
 - ii. Government-provided clean-up supplies and protective gear?
 - g. Regulations

- i. CERCLA: “Comprehensive Environmental Response, Compensation, and Liability Act”
 - 1. Important law in area of contamination for U.S.
 - 2. First passed in early 1980s
 - 3. Defines liability for people involved in remediation of sites that are or are thought to be contaminated.
 - a. Potentially responsible partners includes anyone involved in the site: people who were previous owners, current owners, lenders
 - b. Has not been historically used to hold homeowners liable, but has been used to hold CDCs liable if they are redeveloping an industrial site.
 - c. Do not go after homeowners of residential properties under 4 units.
 - ii. States set their own standards
 - 1. LA Iteration: Voluntary Investigation and Remedial Action Law
 - a. Absolves those who remediate to a certain level from liability
 - b. In LA, not absolved of Federal Liability
 - c. “Act of God” exemption under both Federal and State law.
 - 2. LA: RECAP “Risk/Evaluation/Corrective Action Program”
 - a. Minimum standards fro past and present uncontrolled constituent release
 - b. Risk-Based Human Helath Screening Values:
 - i. Scientific base of acceptable level of human exposure:
 - ii. Just a technical tool – no mandates – for people doing remediation
 - iii. What is the state focused on right now?
 - iii. Health Impacts?
- h. Tort Liability
 - i. Broad mechanism whereby injured parties seek damages from those responsible for their injuries
 - ii. Property Owners
 - 1. Plaintiff must prove fault
 - a. Not required to do everything possible about the problem, must only exercise “reasonable care”
 - iii. Landlords
 - 1. No need to show fault
 - 2. Face greater potential liability
 - 3. Considered to provide warranty to tenants that property will be safe to live in.

4. Biggest potential source of liability for CDCs
 - a. Warranty upon sale
 - i. If there is a serious defect in the property, buyer can hold seller liable for cost of repair or rescind sale
- iv. Lead Law
 1. focused on indoor paint hazards
 2. Treme focus: soil-hazards
 - a. Duty to disclose a potential hazard
 3. Special requirements are connected with federal housing assistance
- i. Where we fit in:
 - i. Government is not doing a good job of providing information
 - ii. Ethical decisions
 - iii. Legal ramifications
 - iv. Environmental-information community center
 1. Public Safety
 - a. How can residents protect selves?
 2. Remediations
 - a. Strategies for residents
 - b. Strategies for CDCs
 - c. Bioremediation (plants that extract contaminants from soils).
 3. Testing Facilities
 - a. What kind of facilities?
 4. Incubator for organizing and advocacy for environmental justice issues
 - v. Identifying or creating relevant materials