WILMA SUBRA

Community Technical Assistance Advisor and Former Member of Two Advisory Groups to EPA

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EPA Interviewer: I'm interviewing Ms. Wilma Subra for the 25th anniversary of Superfund oral history project. Thank you for being with us. We really appreciate it. One of the first questions I wanted to ask [is]: if you could just give us some background and education you had and professional experience that brought you to Superfund.

Subra: I have a Master's in chemistry and microbiology from a university in Lafayette, Louisiana, and when I finished my Master's degree, I went to work at Gulf South Research Institute, and I worked there for 14 years. We did a lot of cancer research. We did a lot environmental assessments, impact statements. We also developed a lot of the programs in effluent monitoring and aquatic terrestrial-type testing. We did a lot of impact statements for the Corps of Engineers, and we also did a lot of projects for EPA, mainly quick-response projects, where on Thursday we'd get a call and [they'd] say, "You need to be in this community on Monday morning, ready to sample the air, the water, their blood, their urine, the soil in their yards [and that type of thing]." A lot of the people in the area came to us and wanted help with environmental problems. And, of course, we were a research institute. We had to have contracts and that type of thing. So what we'd do is: we'd help them at night and on weekends. We'd go out to their sites and meet with them and look at what the regulatory agencies had or had not done, and try to provide them technical assistance. So, over and over again we were engaged with the communities in Louisiana that were looking for help and looking for technical advice on their issues. Then, one of the projects we did was a lot of the sampling at Love Canal in the very early days.

EPA Interviewer: Was that about '78?

Subra: In the '78 to '79 timeframe, and one of the programs we had... We were going on a site visit, up to Love Canal to really set out where the samples were going to be collected and how the logistics were going to work. EPA had all the contractors that were involved come up, and they brought us out to Love Canal and brought us into the homeowners' office. We all got settled down and were getting ready to start and they said, "Quick! Get out the back door."

We said, "Well, why?"

They said, "Because the homeowners are coming."

So we were getting ready to go into these people's houses, into their basements, into their yards, and do sampling of the air in their area, the soil, the water, the leachate collected in their basements, and yet we weren't allowed to talk to them. And over and over and over again this had occurred, where the citizens didn't have access to the information, but the agencies had access, the industries had access.

So in 1981, I left the research institute and opened my own company to provide technical assistance to the community groups, and I also provided technical assistance to small business in the area who were also looking for assistance but didn't have it readily available. Frequently, when we'd go into these communities, we'd sample these people and their surroundings and they were a code number, but they never knew their code number. When the data came back, we submitted it to the Agency and then the Agency would do a summary report and send the message to that community, "Nothing exceeds criteria," or, "There are no excessive health impacts," and when you looked at the data, you knew that there were people that were excessively being impacted, and in a lot of cases the people that were selected to be controls turned out to be heavily contaminated. But we couldn't go back, because we were under contract. We couldn't go back and say, you know, "These people have really high levels. We really need to figure out where they're getting it from." But we weren't allowed to do that. There wasn't anybody that they could turn to, because they didn't know what their code number was. So even if, through the Freedom of Information [Act], they were able to get the data, they still didn't know what it meant, because they didn't know which parts of the data were theirs.

EPA Interviewer: When you first created your own company in 1981, it was pretty much right after the legislation had been passed. What were some of your first experiences there in 1981 and those early years with Superfund and the communities you were trying to assist?

Subra: Mostly it was around communities in Louisiana at that time. The problem we were having is that, we knew there were a lot of toxic wastes. We knew that there was groundwater contamination, there was surface contamination, there were pits that were overflowing, but when we [went] and checked the files at the state level, it was, like, inspectors would go out and not see any of the things that we saw. So we'd get in touch with the legislators, and they'd go with us to meetings.

In Louisiana, Baton Rouge [the state capital] is a long way away from a lot of these communities, and Baton Rouge is a heavily industrialized area. We would go sit down with the agencies, present the information, and they'd go, "You know, Baton Rouge has so many problems that we rarely get beyond Baton Rouge. We have limited budget, and we're devoting most of that budget to the Baton Rouge area, so we're really sorry, but we can't deal with the issues in the communities that you're working with." We'd bring the community people with [us] so when Superfund came along, it was, like, this was the answer to the prayers. This was some mechanism that we could get the Federal Government to pay attention and actually provide the communities with the needs that they had. The communities had requested that EPA come in, and before Superfund was enacted, in '79 and '80, then EPA would come in and do an assessment. They'd take some samples, and they'd generate the data. So we even had the EPA data to show the state that there were hazardous materials and hazardous wastes at these sites, but still we weren't able to move

the agency at the state level. So Superfund allowed us another way into the process, and was very, very helpful to the community.

EPA Interviewer: EPA had a lot of things to figure out in those first few years. Did that make your job more difficult, or did you just say, "These are people who need my help, and I'm going to find a way to do it?"

Subra: Yes, in spite of everything, I would go out and help them, and they didn't have any resources. These were very poor people without any resources. So, again, it was to provide them with technical assistance, so I went out and helped them.

In the early days, EPA would come to town and they'd do their presentation with all the information about this is what Superfund is, and it just overwhelmed the communities. You know, the EPA understood it and they were going through a full day's presentation, and after an hour or so the community was just sort of like, overwhelmed. So I would take that type of information and go back to the communities and go to neighborhoods and do what we called "living room" meetings where you just sat around someone's living room and went through it and then you'd go back and add a little bit more.

But the interesting thing is that up until about the mid-'90s the citizens had actually petitioned EPA for more sites that were put on Superfund than the other sites in Louisiana. The state agency had some type of aversion to adding sites. The Governor had sent out the message that even though Louisiana was paying a large part of the tax, the industries in Louisiana were paying a large part of the tax, he didn't want the stigma of Louisiana having a lot of these Superfund, or waste sites. So the state agency wasn't very proactive in submitting sites to EPA. But the community had submitted, petitioned more sites and gotten them on the list. So then we'd work through the process when it was proposed. We'd make sure the community and the legislators in the area actually submitted comments and supported it being listed, and then after it was listed, we worked through the process of the Technical Assistance Grants [TAGs], because that was the early days and it was sort of feeling their way on technical assistance grants. The communities in Vermillion Parish had gotten three sites on Superfund, and they were the first three TAG grants awarded in the State of Louisiana.

EPA Interviewer: So, how did you find the communities? Did they come to you, or did you did you see a need and go to them?

Subra: In the '70s and the late '60s, they came to the research institute, but then it was through word of mouth. "Well, Wilma can help you," and it's still like that today. I get calls from all over the country, from foreign countries, and it's someone said, "Wilma can help you. Call Wilma." Now it's "E-mail Wilma." But, even in the early days, it was through word of mouth.

EPA Interviewer: The communities have become a huge supporter of yours. They call you "Saint Wilma" now.

Subra: Some do.

EPA Interviewer: Do you remember the names of those first three Technical Assistance Grant, or TAG grant, communities that you worked on?

Subra: Well, it was all one community. It was all Vermilion Association to Protect the Environment. They called themselves "VAPE" for short, and they were a group of citizens in Vermilion Parish who had had enough of all the waste sites. Vermilion was frequently targeted for new waste facilities, so what they would do is form a separate chapter of VAPE in each of the little communities of Vermilion. But, yet, they were still all part of it, and the three sites that they were able to get on the list were Gulf Coast Vacuum, D. L. Mudd, and PAB Oil.

PAB Oil was an oilfield waste treatment facility that was actually permitted by the Office of Conservation at the state level, but it never met the requirements. So the interesting thing is, here we had a commercial facility that the agency permitted, that then became a Superfund site, and fell under the jurisdiction of EPA with the Department of Environmental Quality also assisting in that. So it really changed the complexion of this waste site. The people lived around it were always talking about how it was always overflowing, that the owners would cut the levy and let the waste flow onto their property. The ground water was contaminated. The other two sites—one was a mud-mixing facility and one was a trucking operation for oilfield wastes— and, in fact, they would instruct the drivers to not bring home the last loads of waste. They said, "On your way home, or on your way back to the facility, stop on a little bridge and dump the waste from the vacuum truck into the stream." The ones that did make it back, they dumped it into this earthen pit that when it got full, they just cut the levy and let it drain into the little streams around there. So it was these three facilities that were heavily impacting the citizens of Vermilion.

Later in the process, I received a project from the police jury—which is like the County Commissioner, the governing authority of Vermilion Parish—and they wanted to know where all the waste sites were, so they hired me to do this mapping project. I examined the files in all the agencies, and in the early days waste was regulated by Wildlife and Fisheries, then it moved to the Department of Health, then it moved to the Department of Conservation, and then the Department of Environmental Quality was formed, and that's who took over jurisdiction. But there were these files in people's file cabinets in agencies that hadn't been touched. So I did an inventory of all those files, and I came up with, actually, 55 waste sites in that one parish, and did mapping, accumulated all the information.

The interesting thing is that the responsible parties at the three Superfund sites were also the responsible parties at a lot of those [55] sites, because their wastes would go from one site to the other. As we were working through the Superfund investigation and implementing the remedy, the responsible parties from the oil companies came to me and VAPE and said, "OK, we would like to work and do voluntary cleanups. We know we have a lot more sites in this parish. We know Wilma has identified a lot of sites in the surrounding parishes on behalf of the communities, and we think we could do a much better, quicker, and cheaper job if we did it as voluntary." So after that, VAPE and I worked with the oil companies, and they went around and did a lot of remedies at a lot of the waste sites. That's one of the key areas in Superfund, the voluntary activities that occur outside of the process, but occur because of the Superfund process.

EPA Interviewer: What are your earliest memories, or what were your earliest experiences of being a TAG advisor? Do you remember working with the communities and getting them to trust you? What it was like to work with a new program like TAG? What was that like working with those community members?

Subra: It was a little easier for me, because I had already been providing technical assistance to VAPE. The early days of the TAG were more of a structured process than what we had been doing with the communities, where we were going out and holding workshops with large groups and were holding living room meetings. Here you had to have the sign-in sheets, and the communities were frequently hesitant about signing in, because then people could identify them as having been part of the process. There were a lot of people who very interested but didn't want to be identified—and mostly it was political issues—but the first three were the ones I did with VAPE, so the VAPE members knew me, and it was sort of easy to then make the process happen for them, provide them with the information, get their input.

At some of the other TAGs that I did receive, people knew me, were sort of comfortable, but still were hesitant about the TAG process and were hesitant about what I would do. One of them was in Alsen community, north of Baton Rouge—a very poor, very uneducated, African-American community—and I had worked with the leaders of the group on a lot of issues because they had a lot of issues in the area, but this one was specific to the Superfund site. They said, "Now, when you do a presentation, you can't use any big words. You have to make it so that the people can understand."

So I did the presentation. I gave handouts so everyone had the document in their lap and could write on it. I used words like "recovery wells," "monitoring wells," and in fact they were proposing a clay cover with "extraction wells." So as part of the presentation I said, "You know, like play dough. You lay it across and you stick a bunch of straws in, and they're going to suck the waste out through the straws."

At the end of the presentation the leader said, "You used too many big words."

I said, "Well, the words I was using are the words that the Agency is going to use, that these people have to be comfortable with." So each workshop we did, I'd go back over the same information and add a new section, and again give them the handout so they would have it in front of them to write their notes on it.

After about six months, the Agency came to town to have a public meeting about one particular aspect of what was going on at the site. I stood against the back wall, and the community members got up one at a time and told the Agency exactly what they thought about what was being proposed, why they thought it, and what was right for their community. EPA was just blown away. But the people took all of the knowledge that they had gained and were able to turn it into what they needed to tell the Agency. It wasn't even what I had compiled—they were doing it themselves. After the meeting, I compiled it into official comments that went to the Agency, but it was just amazing how this community was the one that had the most difficulty starting off the process, and yet, in the end, they were standing up there conveying all of their issues and concerns themselves.

EPA Interviewer: You must have felt very proud.

Subra: It was an amazing experience. After their first TAG, which in those days ran for three years, they had to apply for a renewal. They couldn't administer… They couldn't do the business part. The technical part was working really, really well. They had no problems getting the reports in and all, but when it came down to…. They'd hired a business person to handle it, and it was still just so overwhelming that they [the business person] gave it up after the first three-year period. But I continued to go into the community every time there was a new document or a new aspect. I continued to go pro bono and do the workshops for them, and they continued to be engaged.

EPA Interviewer: Well, that's one thing we haven't addressed yet. You did a lot of this work pro bono, and a lot of your business that you created was done to support your technical assistance work. Am I correct?

Subra: That's correct. A lot of what I do is on a volunteer basis for the communities, and the Technical Assistance Grants have been wonderful to be able to help these communities. But, there are a lot of communities that haven't gotten the TAG grants at all, and so I just do it on a pro bono basis.

EPA Interviewer: You were involved with the reauthorization, which in my understanding started around 1984, and actually occurred in 1986. How were you involved with the reauthorization, and what do you remember from those days?

Subra: When the first reauthorization went, it was the information that I and the community had—the experiences that we had actually dealing with these sites—that were critical to the input into the process, so that when you did the reauthorization, you could try and fix the things that weren't working. Not so much fix, but expand, or clarify, so that it was really clear on the citizens' part on what they could and couldn't do, and what the program would and would not do. That reauthorization was not as detailed from the citizens' perspective as the one that occurred in the '90s (which didn't really occur), but that process… There was a NACEPT [National Advisory Council for Environmental Policy and Technology] Subcommittee working on it.

Then Keystone had convened a group of the responsible parties and some of the rules were that the CEOs [Chief Executive Officers] of the corporations that were the responsible parties were the only ones allowed at the table. They had a lot of technical people sitting behind them writing them little notes and running up, but if they weren't there, they couldn't send someone in their place. So that engaged them in the process.

I served as a technical advisor to one of the community representatives. We were asked to put together a panel of community members who had been impacted by Superfund sites, and that meeting just happened to be in New Orleans, and it was a very small room that we were holding the meeting in. We got the community members in. She [Florence Robinson, community representative] and I actually contacted them and got them to agree to come, and again, these are not public speakers, these are people speaking from the heart. Some of them had brought notes; some of them were just saying what was in their hearts. The CEOs sat there through the whole meeting. I kept waiting for them to get up and walk

out, because it was very, very emotional. These people's lives had been changed by Superfund, and, in a way, they were blaming the companies. But in a way they were blaming EPA, because EPA had the program for what was happening in their community, or not happening, and…

EPA Interviewer: What timeframe were these meetings? Do you remember?

Subra: In the early '90s.

EPA Interviewer: OK. And what was the Keystone?

Subra: Keystone had convened a process of reauthorization.

EPA Interviewer: That Keystone was a company?

Subra: Keystone was a facilitation company, and they had just done this at the same time NACEPT was doing [its planning]. Some of the same members were doing the NACEPT process and were doing the Keystone process, and out of it came a report that had a whole list of recommendations of what needed to be done.

The interesting thing is, by the end of that panel presentation, which lasted a number of hours, all of the panel members and all of the council members were still at the table. There were a lot of un-dry eyes. The next day, they came into the meeting room and said, "We're going back, and we're going to check on our Superfund sites," because most of the CEOs had more than one Superfund site. They said, "Our people are telling us that our sites are not impacting people." So the next meeting they came back and they said, "This has been absolutely life-changing. We thought we were out here dealing with waste sites that were contaminating the groundwater, the waste flowing off, but that were isolated from the people, and we found out after going back after that panel that our sites are impacting people."

That had a total change in the way the council functioned, because suddenly these people weren't sitting there saying, "I have Superfund sites, but I'm not impacting anyone. Why do I want to make changes?" And they came back and actually were sitting at the table totally engaged in the process.

I think, if no other message goes out after 25 years, there are still a lot of communities that are being impacted by sites that are on Superfund, that sites should be listed, that sites that are being proposed, and those are the people that need the help of the Environmental Protection Agency in getting back their community and getting back their lives. Their health has been impacted, their environment has been impacted, and they're looking to the EPA to make them whole again.

EPA Interviewer: I was hoping to take a step back to, if you could, to the 1986 reforms. I'd love to learn more about the '90s as well. When we were talking before we started the official interview, you said you had done a little bit with the legislative work. For example, the state delegation issue, and some of the health aspects of Superfund. Can you remember

some of those conversations? I think you testified on the Hill a few times. What were those experiences like for you?

Subra: One of the things was: there was a real push to delegate the Superfund programs to states—and understand, I do a lot of work at the state level in Louisiana, Texas, Mississippi, and Arkansas. I saw over and over again the state's inability to deal with state sites that didn't make Superfund. We would go to the legislature and we would get some money appropriated for various programs, like the inactive and abandoned site, the orphan site. As soon as it would start to function, the legislature would pull back the money. At one point, there was only enough money in the Fund that if there were five barrels dumped on the side of the road, they could go out, haul the five barrels somewhere. There was not any money for oversight on the state level, and there was not any money for the 10 percent match that the state was required [to give]. The legislature just didn't want to deal with it and said, "We will never appropriate money."

So here at the federal level, they're talking about delegating these programs to the state, and when they were going to delegate them it wasn't going to come with resources. It wasn't going to come with training. There was no money at the state level, but there were also no people that were actually trained to deal with this. So it was going to give them a program that they had no ability to carry out, and the losers were going to be the community people who lived on top of, or adjacent to [the sites].

So I kept bringing that up. That you had to have criteria and you had to have an assurance from the state that it was going to have both financial and personnel resources available and dedicated, and not be able to pull them back. And over and over again, I'd come to the table and say that, and they kept saying, "But you know, there are states [that dedicate personnel and resources]. New Jersey has a wonderful program."

Well, New Jersey has a wonderful program, but these other states are not capable of having a program. Then someone would introduce a bill that would have pieces of this, and so I did ask to go and testify when the bills would come up. I would tell them the good points and I would tell them the bad points, and I would tell them where the communities would be most impacted. And at the end, they would go, "And does that mean that you're not in favor of this?"

And I went, "I'm telling you where the shortcomings are—that if you enact this piece of legislation, the losers are going to be the communities, and here's why." So over and over again, I had to keep coming, whether it was meetings on the Hill or structured hearings, but I had to bring the issues that are really going on out in the field, because frequently here in D.C., you don't see outside the beltway. I had the experiences with the people and I'd bring the people up whenever I was able to and let them tell their story as well.

EPA Interviewer: Do you remember who it was that first got you involved with some of the D.C. political angle of things?

Subra: I think it was more the staffers on the Hill, because they had been in contact with a lot of the communities that I had been working with. And I had been doing a lot of stuff for EPA, like in the early days when I worked for the research institute. They knew that I could bring

the issues to the table and put it in the language that they could understand without someone standing on the table yelling and screaming. I had also the experience with the state agencies, because I served on the environmental advisory committees under a lot of the secretaries of the Department of Environmental Quality in Louisiana. So I had that experience to bring to the table: knowledge of the agencies; knowledge of the legislature, knowledge of the programs, and how the money kept getting pulled out.

EPA Interviewer: After the ’86 reauthorization, and then in ’90, we had a lot of institutional reforms. I guess you could say EPA voluntarily found they needed a change. What changes did you see? Were they good? Were they not so great for communities? What did you see?

Subra: Well in the early ’90s, when the institutional controls or institutional changes were made by the Agency, those were the result of not being able to get either the Keystone or the NACEPT through the Congress, so it became policy changes as opposed to legislative changes. In that fact, I saw a lot of changes that really helped the communities. I saw the project managers being much more open to dealing with the communities and not telling the communities, “You are the enemy and you are interfering with me doing my job.” As a result of that, I had this three-legged stool concept: you have the Agency, you have EPA, and you have the state agency, as one leg. You have the responsible parties (or the agency on that leg if it’s a Fund-lead site), and then you have the community. When you have those three legs involved in all actions—looking at the sampling plans, looking at what you’re thinking about the remedy rather than waiting ‘til you put it out for public comment—the process moves forward much more smoothly, much more quickly and to the satisfaction of everyone, if they quit treating the citizens as second-class citizens and involved them in the process. And I saw the process move forward. I saw the states better understanding their role. The legislators were still reluctant to give money, but the states [were] understanding their role and being much more proactive in the process and much more interactive with the communities. I think it really clarified everyone’s role in how we move forward.

The message now, over the last two Administrations in the State of Louisiana is, “We want no more Superfunds. We don’t have the 10 percent match. We don’t have the ability to do the oversight.” That stood for a good while because there was this Governor concurrence letter and the Governor would never concur, because when he concurred it meant he had to come up with the 10 percent match. He had to come up with the resources for oversight. He had to come up with the operation and maintenance long-term, and so it was like he couldn’t concur because politically he couldn’t commit that many resources. Then in the last four or five years, after a very long drought of not having any new sites out of Louisiana, all of the creosote facilities started rearing their ugly heads and they were Fund-lead—there were no responsible parties. So, all of a sudden, the Governor is much more open to having Fund-lead [sites].

When we did this NACEPT Superfund Subcommittee, over the last two years, the issue was mostly the ones [sites] that are getting on [the National Priorities List, or NPL] are Fund-lead, and if they don’t get on it [NPL], their proposal, they don’t get listed or they make the short list. And when EPA decides not even to propose them, they go into limbo, because they have to be Fund-lead. Any innovations have already occurred on how to fund the investigations and the remediation, and they go into this limbo if they are not proposed, and there’s not enough Fund money to fund them. So, once again, even though the states look to

EPA to do all of these proposed Fund-lead [sites], the citizens are the losers, because the citizens are the ones that are being impacted by these sites, but don't have a responsible party. So it keeps coming back to the citizens being at the end of the line: the buck stops at the citizen. The impact stops at the citizen, and they are looking to EPA and the state agencies to address, once again, their issues.

EPA Interviewer: I don't know if you're remembering this, but about four years ago you talked at a meeting I was at—the Technical Outreach Services for Communities. It was actually in New Orleans, and you talked about bucket brigades. What were the bucket brigades?

Subra: The bucket brigade was a process that Communities for a Better Environment,(CBE) in California, used as an organizing tool. They were fighting a lot of refineries out there that were having a lot of accidental releases and upsets that were impacting the communities that lived on the fence line. They used it as an organizing tool. They would go out and take a sample when there was a release. They trained the citizens to take an air sample, and what happened was, they asked me, "Look at this data and help me understand what this data means." Well, at that time, they didn't realize that when a facility has an accidental release, they have to file an emission notice by phone, and then within seven days they have to submit a written report in which they detail what chemicals they released, how much they released, why they released it, and what was to be done. So I introduced them to that part of the regulatory process— it's not Superfund.

EPA Interviewer: Who did you introduce it to?

Subra: To Communities for a Better Environment. And I said, "You need to go get those reports." So they went and got the reports and sent them to me and I said, "See, in the report—the event that the citizens were complaining about—these were the chemicals released." When you look at the air sample that the citizens collected, it was the same chemicals. So it made the connection for CBE and the community that we could take a sample and relate it back to the chemicals that were being released by the facility. It started off as a merely organizing tool. It has a lot of problems. Again, the agencies don't recognize it, but just like all the work I do with communities, if you see something, you collect a sample, water sample, sludge. It won't stand up in court, but it will get an idea of what chemicals are there, and then we use that information to go the agencies and say, "Look, we have a problem in our neighborhood with this chemical." Then the agencies will frequently come up with the money to do a more extensive investigation, or the agencies will task the industry that they think is responsible. So it's a mechanism of getting the agency's attention. It is not a mechanism to get defensible data that somebody's going to file a lawsuit on.

Since that time, we've also been using the Suma canisters, which a lot of communities prefer because you don't have to load a bag and a bucket and take a sample. You rent a canister from an EPA-certified lab. They ship it to you. It's evacuated, and when you think there's something going on, you just turn a valve. It sucks the air into the canister, you close it back up, and then you ship it back to the company with chain of custody and they do it. Again, it's that relationship of the chemicals in the air to the chemicals that were released and reported by the industry.

EPA Interviewer: What were industry and people's response to you when you showed them this data? Especially if they had been denying it prior? What were their responses to you?

Subra: The industry immediately denied it. But then I went one step further and went to the EPA and the state agency monitoring stations and took that piece of data and showed that, at the same time the event was occurring and the citizens collected this data, the monitoring station also picked it up. So that gave a lot of credibility to it. Then I started going in and doing all these accidental releases and actually putting together the information. I got the citizens to do odor and symptom logs where they didn't have to identify who they were, but where they were located, what they smelled, what they felt like, how their health was impacted, wind speed and direction. I started putting those things together with the accidental releases in like industrial facilities that are clustered in one area—this facility had 200 over the last year; this facility had 150; this facility had 30; these are the chemicals that are released. And then I did a calendar: for this year, two-thirds of the days there were excess emissions from these accidental releases, and these were the facilities that were most responsible. Then I'd put EPA people in my car and show them the data and ride them around where the people lived.

Finally, the second-in-command at Region 6 in Dallas got enough of me doing this to him over and over and over again, and said, "Back off." Then he actually tasked the staff to look at the accidental releases that were reported to the ERNS [Emergency Response Notification System] database, which is a national database, and they found that there were huge quantities of excess emissions from 11 facilities, five in Louisiana and six in Texas. So they went a step farther and invited those facilities in, showed them the data that they had accumulated, and those 11 facilities were the ones I had been working with the community. So we verified that what I had been showing him every time I had put him in my car was actually real. The EPA invited those facilities in and again they denied it and said, "Oh no, your data is wrong," and they went, like, "It's your data. It's self-reported data." And they started a process called "Episodic Initiatives" where the industries got together with the Agency and identified the causes of a lot of these accidental releases and reduced them substantially. So it's community-based information like this that, in the long run, will probably prevent additional Superfund sites, because now the industries are being very careful about how they manage their spills and their accidental releases.

So all of this ties in. Even though EPA's Superfund program is very specific and very narrow, it's the same parties, the same companies that we're all still dealing with in these communities.

EPA Interviewer: In 1999, you were awarded the MacArthur Genius Award. You didn't know—it just came out. Tell me about that experience. How did you find out about it? What it meant to you? What was that like?

Subra: The day I received the initial phone call, I was here in D.C. and I flew in late that night. I had a meeting with an attorney over a case we were bringing on behalf of communities. So I went straight to his office the next morning and didn't get my phone messages. We're preparing a brief and we're in closed doors and they come and tell me I have this phone call from this man. My secretary never lets anybody get through. She'll call and tell me and then I

choose whether I call them back. But she didn't do that. She let this man get through to me, you know, when I was working.

So I went and talked to him, and he says, "I have something to tell you." He says, "You've been awarded the MacArthur." I had no idea what it was. He says, "You need to do two things. You need to verify your Social Security number, and then I need to send you the press release and you need to verify that everything is correct in the press release. Then, when you do get the check, you have to cash the check." I had no idea, so I started asking him what it is. And he says, "You can call me back if you want to verify that this isn't a crank call."

And then I asked him, "Well, who submitted me?" And he said, "You will never know that."

EPA Interviewer: Explain what the MacArthur award is.

Subra: The MacArthur Award is given to people who do special things and, as I found out later, it is usually given to people in the arts and people in the universities. It comes with five years worth of money that they give you on a quarterly basis, and they give it to you for something specific. They gave it to me for the work I had been doing with community groups. They give you the checks on a quarterly basis, and you can use it however you choose. They don't stipulate how you have to use the money. You can choose to just go off for five years and not do any of the work you had been doing, or you can use it to fund the kind of work you had been doing. And it was just an amazing experience. It gave credibility to all the work I had been doing.

I read through the press release and it was fine, and then they said, "This is the day we are going to announce it and these are the media we are going to release it to." I started getting calls from the media, because it was embargoed, but they wanted to have all the information. It was just unbelievable how all of a sudden you have credibility in what you've been doing all these years, you know. And I got calls from people I had worked with years before. I got calls from a lot of the industry when it was announced —the industries I had worked against, or sort of with and against, you know— and it was just an amazing experience. The money really helped me continue the work with these communities.

EPA Interviewer: What did you do with the money, may I ask?

Subra: I used it to continue the work with the communities. The interesting thing is the warning from other MacArthurs is: don't do anything visible the first year. One of the people had always wanted a specific automobile, and they went and bought the automobile, and then they were totally criticized. One person that's a writer had actually planned to go to France for a year and had all the funding lined up and happened to receive the MacArthur right before he went to France. He was accused of, "How dare he spend all his money to go France, instead of doing things to help people in our neighborhood?"

I received a phone call about two weeks ago from one of the new MacArthurs that was just named, and she said, "I see your name on the list." She's from Chicago. She says, "I would really like to interact with you. Right now, I'm just on this little treadmill, because it was

just announced." And she's actually come down to Louisiana once and has another trip planned and is helping in the recovery efforts with the hurricane, but she may [come back] and said we need to get together and we need to work on programs. So we're talking about the kinds of programs we can [use to] help both communities I work with and the ones she works with.

EPA Interviewer: What did the MacArthur allow you do to that you couldn't do before?

Subra: Help all communities. Help communities all over the country. Never say no. I hadn't ever said no before, but it allowed me to spend a lot more time with those communities. Since then, five years have already gone by, but since then I have still not had to tell anybody no. Sometimes I've had to put them off for a little while, but I've always been able to help them, direct them.

EPA Interviewer: One of your rewards after that was in 2004, [when] you were asked to be on the NACEPT Subcommittee for Superfund. What were your expectations for that and what were your experiences with it?

Subra: Well, I knew it was going to be an interesting and demanding and stressful process because of my involvement in Superfund before. The people who were on it were all very, very knowledgeable. Everyone came in with their preconceived biases because they had been involved in it for a long time. EPA did an excellent job of providing us with a lot of good information about how the program had been operating in more recent years, so it educated the ones that didn't deal with that piece of Superfund. But again, everyone had their own agenda, and it was really difficult to come through the process.

EPA Interviewer: What were you trying to do? What was the NACEPT designed to achieve?

Subra: NACEPT was designed to achieve whatever changes would benefit the program moving forward. And again, the program no longer had the tax, so they didn't have resources to go into the Fund on a regular basis. The general Fund monies were being cut back every year, and cost of doing the program was increasing at a steady state, so it was, "What can we do to make the program work better. What can we do to make the program continue to work under these kinds of circumstances?"

I was Vice Chair of NACEPT at that time, and so I had to come back with the Chair of the subcommittee and report every time NACEPT had a meeting. We sort of worked through NACEPT, so we'd come and we'd give an update of where we stood on everything and get input. Some of the NACEPT Committee members said, "We need to reinstitute the tax." Well, that was a "no win" at the subcommittee level, but we had to take the message back because they were [the] Advisory Committee we were doing it for.

In the long run, we came up with 17 recommendations that were consensus recommendations, and then we came to the NACEPT Council to get their approval because they are the ones that send them to the Administrator. We had to vet a lot of those issues again, because even [though] these people were kept up to speed, they still had a lot of issues. But we made it through. We put a lot of the issues in the cover letter about where there was dissension, but the 17 recommendations were passed on by the NACEPT

Council. Again, it's the same people we've worked with over and over, so we know each other. We know the personalities, we know the perspectives, and I think that's the only way you're going to get through this process is [to] have the people who are intimately involved in the Superfund process and have been for a very, very long time.

EPA Interviewer: Do you see any work or progress made after the report was finally issued?

Subra: I see a little bit of it. The issue is: how do you keep in communication? I'm not in D.C. I don't run into these people all the time. This has been one of the things with NACEPT. We frequently ask EPA to come back and tell us, "What have you done with the recommendations that we have sent you?" We haven't had that type of meeting yet. I see that coming up as an issue on the next agenda. We have 15 new members at the NACEPT meeting that we're having right now, and we're trying to get those people up to speed. So I see the next meeting [as one] where we invite EPA back to tell us what progress you've [they've] made.

EPA Interviewer: Two months ago, we had what some people call the nation's worst ever natural disaster, with Hurricane Katrina and soon after, Hurricane Rita. You were in Louisiana at the time. What was that like? And more specifically, how have communities near Superfund sites, hazardous waste sites, been affected from Katrina?

Subra: I live in Louisiana and I've always lived in Louisiana. Katrina actually impacted the areas from Pensacola, Florida, where I have a Superfund site TAG grant, all the way just west of New Iberia, which is where I live. It impacted them with heavy winds, with huge tidal surges overtopping levies and flooding lots of areas. Then less than a month later, Hurricane Rita hit, with, again, a 29-foot tidal wave, and it impacted from Mobile Bay in Alabama all the way into the Beaumont/Port Arthur area of Texas. What Katrina hadn't done to a lot of these coastal communities and communities in the marshes and swamps along the coast, Rita did. Rita brought in flood waters and just inundated these communities.

So you suddenly had two natural disasters back to back, basically impacting the same area. Lots of wind damage, lots of coastal erosion, and then the sedimentary sludge out of all over the water bodies, spread all over. The issue—one of my issues—was getting in touch with the communities living around the Superfund sites in Florida all the way to Texas to see what was going on, which ones were actually flooded. I went out to a lot of the areas. I was able to go in with a pass when they weren't allowing the people back in.

The Agriculture Street Landfill site, which is in New Orleans East, which is built on top of a landfill that was operated by the City of New Orleans, stayed underwater for three to three and a half weeks. At that site, the remedy was the removal of two feet of soil and replacing it. Before it was replaced, a little blanket was put down and that orange construction fencing that you see around construction sites was laid down as a marker. What happened at the Agriculture Street Landfill site, because it was underwater for so long, the landfill just got soaked and saturated and the cap got disrupted by the flood water and the water standing there for such a long time, and it started to break apart and subside. Then after the water finally drained off, the landfill just started oozing leachate into the streets, into the storm drains, onto people's property. To add to that impact, the sedimentary sludge coated everything, then started to dry, and made this contaminated dust, and the sludge was

contaminated with heavy metals, arsenic, with polynuclear aromatic hydrocarbons way over residential standards.

Then, when people snuck back in, their houses were an incubator of mold, so you had all these [people] impacted. We had argued in the remedy days that it was going to cost $12 million to relocate the community, and it was going to cost $20 million to do this two-foot removal and replacement, but the two hurricanes did what we couldn't accomplish. We could never get the relocation; we couldn't get the city to buy in. We had a whole bunch of other parties. There was HUD [U.S. Department of Housing and Development] housing. They had agreed to forgive the outstanding mortgages, but these two hurricanes did what we were not able to do, because these people will never return to their homes. So it relocated the people. A lot of them have moved to Houston, and a lot of times on the weekends when I'm in that area, they'll come back to see, to get a few things—a few personal things—out of their houses. They say they just had to come to see it for closure and that they will never come back. But the issues are still leaking this leachate. At a lot of the other landfills, there was waste damage, there was flooding, but it wasn't—they were covered with like RCRA [Resource Conservation and Recovery Act] caps, so it didn't have as big an impact. A lot of the ones in Vermilion had enough of a grass cover. The grass was killed by the saltwater that came in, but they weren't as disrupted as the ones in the New Orleans area.

EPA Interviewer: EPA had and will continue to have a large role in Superfund's emergency response functions. How have you seen that unfold, and what responsibilities do you think we have in the future for the area of New Orleans and other areas impacted by the hurricanes?

Subra: Well, we immediately called EPA and said, "We'd like to participate in any way we can, and we'd like to sit on any committees or whatever you form," and they started letting us know when they had collected samples. The first thing they started collecting were water samples, and it took a long time for the data to get up on the website, and rightly so. Everybody was responding, everybody was doing everything they could, and it was real difficult to make the process happen. One of the first sets of data came up, it just had a few samples, so we started asking EPA, and they said, "Well, we couldn't get access to some of the locations we had intended to, and secondly, we had security issues when people were shooting at the responders." Then the Science Advisory Board had reviewed the work plan, and so they started making changes, and after the process got going, well, then the data was coming out quicker. We were reviewing the data.

We were also meeting with the on-scene coordinators [OSCs]. We made frequent trips down to New Orleans and always tried to interact with them and see if there was anything we could do, and encouraged them to sample specific areas. When the water, basically, was pumped off, then it was the sedimentary sludgy stuff. The difficult part is that EPA has been sampling the sedimentary sludgy stuff. I have been sampling the sedimentary sludgy stuff all the way from Alabama into Texas, in residential areas, and we're finding basically the same thing. We're finding the heavy metals like arsenic over residential standards, and we're finding the polynuclear aromatic hydrocarbons, which are the things that industry has discharged into the water bodies for decades and decades and decades, and that sediment got transported onto the land. It was very unclear in the early days who had the authority to decide whether to allow people to go back. As long as Orleans, New Orleans and the Mayor of New Orleans didn't allow anybody back, he basically cut off access to the two lower

parishes which are St. Bernard and Plaquemine, because the roads that allow you to get in there either go through Orleans or come in from Mississippi, and the hurricane had devastated Mississippi and shut down the interstate and messed up the bridges.

On the 16th of September, I was in St. Bernard collecting samples and there was the sedimentary sludge everywhere—in the streets, in people's yards—and I was collecting them [samples] from areas that hadn't been touched by the responders. That afternoon, the governing authorities of Plaquemine and St. Bernard went to the Health Department and said, "We want to let our people go back in tomorrow." And I was thinking, "I'd like three weeks or so before anything happened, and we could get the data, sit down with the Agency, sit down with the local government, and work through the process. "

Well, that Friday afternoon he went to the Health Department and the [head of the] Health Department didn't feel like he had the political authority to say, "No, you can't let the people go back." So that weekend, the people were allowed to go back in. The check points allowed them to go back in if they had a driver's license that showed they were residents. They went in, drove through this contaminated sludge, walked through it in their yards, went in. Some of the houses had two feet of it, and I'm not talking the oil spills—I'm talking about the other areas. Mold everywhere. People started getting sick. They were having respiratory problems. They were having asthma attacks. They were having skin rashes. They were having sores on the skin that didn't respond to normal antibiotic treatment, and there were no clinics, no hospitals, no 911 working, no electricity.

So that Monday we sat down and said, "We have to do something." We got a meeting through one of the state Representatives in our area with the head of the Health Department and went in and sat down with him and said, "Look, you're letting the people go back in."

And he said, "You have to understand that EPA briefs the governing authorities and I brief them, but the governing authorities of each parish are the ones that make the decision whether to let the people back in."

And we said, "But the people are going back in. They are going in unprotected."

So working with the Louisiana Environmental Action Network and Southern Mutual Health, we put together these recovery response kits where we'll provide Tyvex suits and gloves and booties, the tape to tape them on like responders are supposed to do, the respirators that EPA was recommending, and then first aid kits, cleaning supplies, disposal bags, so that if they chose to go back in, at least we were doing something to reduce the risk. We encouraged pregnant women not to go in. We encouraged children not to go in, the elderly not to go in, but still there were a lot of middle-aged people going in and sloughing around in it, and to this day they are still going back in, and we're still having to put together the kits to try and help them. And the EPA has said, "We know it's over the limits. We think there's no acute threat," but we've seen and documented the acute threat, and we recommend that you don't come into contact with the sedimentary sludge. Well, you cannot levitate over the sedimentary sludge. You have to go through it to get to your house, and your house is full of it. So there's been sort of a disconnect in that EPA's saying, "Don't come in contact with it," but the governing body is not telling the people, "You shouldn't come in

contact with it, and this is the kind of protection, and we're not providing the protection, so you're going in at your own risk."

So that's the part that's been the most difficult to deal with, other than communities not having any supplies, is, who's in charge, who's making the decisions, and who's being impacted when these decisions are made? The local governing authorities respond to their people, and their people want to go home and see what it's like. They want to go home and try and figure out, "What are we going to do?" Some of the people want to go home and see that there's nothing left but a few pillars, and then they move on, because they know there's nothing left to go in and fix. So we know they're responding to their people and the pressure of their people, but it is still very difficult to say that you should allow your people to go back in when you know they're going to become contaminated, when you know they're going to become sick. How do you justify that?

So that's been the real disconnect through all the processes. We've been sitting down with EPA going through these processes, and in the other rural parishes a lot of the people went right back in. A lot of people went by boat—they couldn't get in by road—and became contaminated.

EPA Interviewer: The National Environmental Justice Advisory Council (NEJAC) is now forming a committee on Katrina, which, I think, you are going to be Chair of, is that correct?

Subra: Yes. Yes.

EPA Interviewer: What do you hope to accomplish through that?

Subra: One, to look at the things that each of the members of that work group will bring to the table. What things did work? Specifically, regarding the environmental justice communities, what things needed to be done differently? Identifying the issues, OK? And again, it's going to be multiple stakeholders, so they are going to have a whole host of issues.

Then try and figure out what do we need to put in place so that that same kind of thing does not occur if we have a natural disaster of this magnitude, or even of a lesser magnitude, but the same type. What are the things that need to be put in place? What kind of recommendations? What kind of policy? Legislation is not going to work, but just more policy. What kind of interaction do we have to have? Again, we at NEJAC give recommendations to the Administrator of EPA, so it's going to be focused on the EPA. But we know people are going to bring in a lot of issues, so we can do things like notify the other agencies of the kind of things—not making specific recommendations to them, but what kind of coordination needs to be done. That type of thing.

EPA Interviewer: December 11 is the official anniversary of Superfund. What is your most memorable experience from all your years of working on it, even before Superfund was an official program?

Subra: Having ceremonies at the end of a site remedy, and having all the people who fought you along part of the way beating each other out to be up in front. But [it proves] that the process does work. That if you hang in there long enough, you get the site cleaned up. And in

the early days, we got a lot more cleanups. Now we are getting more containment, but you get the issues of the site addressed, and it's only because the communities stuck together with EPA, with the state agencies, and if there were responsible parties. So it's really a wonderful experience when you have these closing ceremonies. Frequently, the elected officials get up there and thank EPA profusely for coming in, spending the money, and doing the work, and then say, "But we're not going to let you out of town, because we have other sites we want you to do." But even the elected officials recognized the need for Superfund and the benefits of Superfund.

EPA Interviewer: If you could go back and change one thing that either you have done or the program's done, what would it be?

Subra: Outside of the program, I would have the requirement that Superfund has for community involvement, not just the TAG process, but also the requirement that you have public meetings and you have public hearings at all of these points in the process. The other regulatory programs—air programs, waste programs, water programs—don't enable the citizens to be part of the process like Superfund, so I would change that process in the other programs. I would also initiate a TAG-type process in the other programs.

Within the program, I would remove the requirement for the match for the poorer communities, and I would try and simplify the business part, which is frequently the part that the community stumbles over for the TAG grants. I would expand the amount of community involvement in the process, in reviewing the documents and giving input into the process.

The one thing I encourage EPA to do at a lot of the sites is, when they issue the ROD [Record of Decision], put a statement in there that a company that made money off of the site when it operated—a lot of times it was waste haulers that have then reinvented themselves, and they are now waste contractors—those companies not be allowed to make money when the remedy is implemented, because those were the companies that made the money off of the community. That made the money from hauling the wastes or dumping the wastes. They shouldn't be allowed to profit from the cleanup. Frequently they have included that kind of clause in the Record of Decision, and those companies have not been allowed to be contractors or subcontractors, and profit by it.

EPA Interviewer: What is your contribution that you are most proud of?

Subra: I am most proud of the efforts I have been able to accomplish with the community. By providing them the information that they then incorporate into their base of knowledge, and they are then able to stand up and communicate with the agencies and tell the agencies what they want at their site. How extensive the contamination is. Talking to the people who live over the contaminated groundwater and getting them to get their input into the Agency about how the process should move forward. It's educating an informed community that then becomes a critical part of the process. It's not just working through me. It's engaging them in the process. When I'm able to just stand back and they're able to take the information and assimilate it, and bring it down to the issues that they have to deal with on a daily basis. That's what I'm really proud of.

EPA Interviewer: Where do you see the Superfund program going in the next 25 years?

Subra: It scares me that there's not enough money in the program to address the Fund-lead sites, the orphan sites. It scares me that they're not able to put a lot more of those orphan sites onto the NPL lists, and that there are states that have a huge number of sites that they don't have the resources to address that won't even get looked at, much less carried out through the process, so that there are so many sites that will go in need of being addressed, and so many of these sites are impacting the health of the communities and the environment. I would love to see a mechanism like the tax or like financial resources again put into the program so that the worst sites can be addressed, but that the sites—not only the very worst sites, but the sites that are impacting human health—will be addressed and never [be stopped by] the stumbling block of, "We don't have enough money."

EPA Interviewer: We've covered a lot of things in the past hour or hour and a half. Is there anything else you would like to add on, anything else you'd like to say?

Subra: It's critical that Superfund remain. It's critical that it be funded. It's critical that it continues to function, because it is the program of last resort. It is the program of last resort for a lot of the poorer states, the under-funded states, states without resources. It is a program of last resort for the communities, and there are a lot of the big sites, the mega-sites, that are taking a lot of money. But there are a lot of smaller sites that are having huge, devastating impacts, so all of these sites need to be addressed by the program. We need Superfund.

EPA Interviewer: Thank you so much, Ms. Subra. It has been an honor to talk with you tonight.

Subra: Thank you.