

Interviewee: Anderson, La Nell

Interview: July 31, 2006

UNIVERSITY OF HOUSTON
ORAL HISTORY OF HOUSTON PROJECT

Interview with: La Nell Anderson

Interviewed by: Carla Curtis

Date: July 31, 2006

Transcribed by: Suzanne Mascola

CC: Today is July 31, 2006, 5:00 P.M. This is Carla Curtis doing an interview with LaNell Anderson, a citizen activist on air pollution here in Harris County, Texas. This interview is being conducted at 1445 North Loop West in Houston, Texas. Mrs. Anderson, could you please state your name and what you do?

LA: Yes. Thank you, Carla, for the opportunity. My name is LaNell Anderson. I am a mother, grandmother, former plant worker, and I have been actively involved in environmental issues in Harris County and in Houston for the past 15 years. I first started my quest to learn more about Houston's pollution problems because of my mother's death and she died in her mid 60s from bone cancer which I learned was not that common. And then, I learned that she lived less than one-half mile from one of the largest producers of styrene in the world and I picked up some information that styrene was a suspect cause of bone cancer, and I proceeded to find out all that I could about the health effects in our community related to those two huge facilities located in the Channelview area, the 77530 zip code. And for more than 12 years now, according to the Texas Department of Health, the lung cancer rates were more than 100% higher than the expected incidence and that is a confidence ratio of 3%. So, their methods are quite extensive and detailed and they tend to be conservative. There were other cancers at those elevations but

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not to the point that they would consider them elevated, officially elevated. So, I started trying to work within the community with the two corporations and those corporations were Lyondell and Equistar. And, of course, they have had different names in the past. They are one and the same company. Actually, they have one and the same CEO. And they, of course, have citizen advisory panels and that was my first endeavor, and it didn't take long for me to realize that it was not a citizen advisory panel to industry. It was a very well-orchestrated industry advisory panel to control the citizens' objections to their pollution. I challenged them. They are pretty good at what they do because they have practiced many years with the union busting tactics which now they apply to citizens who object to their activities in the community.

CC: How did you challenge them?

LA: I challenged them because I did not trust their reporting numbers on their emissions and there is really no way you can prove it. I finally found out that on the state implementation plan, inspections conducted by the state regulatory agency at the time called TNRCC, they only had personnel in line to inspect those facilities about once every 12 years. So, the door is wide open for industry to fudge the numbers and do whatever they want to. They have developed a very sophisticated system of playing the game of "we are a safe corporation and we follow the law to the letter". When you really get down to the statutes and you start investigating, they do follow the law but the laws have been so convoluted by the lobbyists, the Texas Chemical Council. The politicians have been so willing to say, 'Oh sure, I'll do you this favor and get your legislation passed to improve things for your industry but now, you will remember me on campaign contributions,' and they do. So, this is what I call "vending machine governance" in the state of Texas. It has been here alive and well for many, many years. There are industrialists who have

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written \$10,000 checks on the Senate floor and it made the front page of the *Austin American Statesman*. And that is just how cavalier our legislators are in Texas. I was shocked. What I found to be reality had nothing to do with what I learned in school in my civics classes. It was the farthest thing from reality. I couldn't believe it. I just couldn't believe it. So, I continued to challenge every permit that came up. We had an organization come to Channelview named American Envirotech and they bought a 14- acre tract down towards the Ship Channel and decided they were going to build a commercial toxic waste incinerator. They were less than 3 miles from the then named Wallins Commercial Environmental Company which took in toxics and environmentally dangerous materials which they then incinerated. So, we didn't need another one. We didn't want it in our community.

CC: And which area was this?

LA: 77530, Channelview, along the Ship Channel. So, we challenged the permit pretty hard. We hired Jim Blackburn and the citizens were very active. We went to Austin 3 or 4 times, 400-500 of us, and at the final hearing, I think there were 600 of us at the hearing. John Hall, then chairman of the TNRCC, issued the permit anyway, even though the governor asked him not to. Governor Ann Richards had asked him not to. There were many problems with the permit. The last hearing, I challenged him by saying that he had not even done his job in requiring this company to show that they had the financial wherewithal to construct, operate and, if necessary, close down this very dangerous facility. So, he simply had been merged with Ogden Corporation - this is really old information now -- so that Ogden was their financial partner, so they issued the permit. And we thought we had lost, and most of the citizens fell by the wayside. And I kept fighting because Harris County and the City of Houston had both spent more than \$2

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million fighting this facility as well. And I kept fighting and I found a little thing in the statute that says construction could not begin until all litigation was resolved and that at the time not all litigation was resolved, they had 24 months, a window of 24 months, to build this facility. Well, I discovered that the applicant, Kay Crouch, didn't like the deal that the TNRCC forced her into with this merger with Ogden and she demanded some sort of payment that they refused to make so she sued him. So, we still had litigation going on. So, I went to a hearing in Austin and I carved a way out of sharing this information with the TNRCC and the commissioners. This was a Texas Natural Resource Senate Committee meeting. And I shared this information with the senators and I reminded them of the statutes. And they said, well, thank you very much for providing them information. Well, the very next day, Governor Richards sent a letter to John Hall of TNRCC demanding that he remand that permit. He still refused to remand that permit but I wanted all of them to know that I was going to dog them until the end of their days because there was no reason to build that facility in our neighborhood. They target neighborhoods that they believe do not have the intellect or the financial wherewithal to fight them. So, I was determined I was going to show them that we had the intellect and we had the wherewithal to fight them. Well, they never did build that facility and it was the last permit application ever filed in the United States for a toxic hazardous waste facility. And I am proud of that work.

CC: What year was that?

LA: 1993, I believe. I believe it was 1993. I will have to look in my documents. That is what I cut my teeth on, Carla. That set the tone for my activism, so to speak. I discovered all the dishonesty, I discovered the inadequacies of our state agencies, I discovered that our state agency didn't work for the constituents or the citizens of the State of Texas – that they actually worked

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for industry and that they were, in fact, a citizen-supported, taxpayer-supported revolving door where these young people would get their education, they would go to work and learn the regulations and they would pop out the door and get offered high paying industry jobs so that they could help industry break the laws or get around the policies. So, that is what we had for a taxpayer-supported regulatory agency.

CC: Were you living in Channelview at the time?

LA: I was.

CC: And this caused you to move?

LA: No, it did not cause me to move. We still own our home there. I have rheumatoid arthritis and now I have diabetes and there is a lot of school of thought and research that has been done on rheumatoid arthritis but it is an autoimmune disease. The doctors told me if I did not get out of the chemical soup, that my rheumatoid arthritis would get a lot worse a lot quicker. So, we moved to get out of it. We still own the home. It is still our homestead, as a matter of fact. So, after that, I guess, win, if you could call it a win, things rocked along and I decided to again approach trying to find a solution to all of the pollution in that community with those two major companies and I approached them. I had read about a source reduction project that was done up in Michigan, I believe, but it was actually organized and conducted by a national environmental organization like NRDC. And, of course, nobody is interested to come to Texas to fight anything environmental because they are so overwhelmed by the industry presence and industry influence at every level of state and city and county and government, that it is just a waste of time and a waste of money. And I decided that I couldn't get any help and so, I was going to try to do it myself. I approached the companies at a Citizens Advisory meeting and I told them

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what we wanted to do and they just smiled and said, O.K., and would they consider it? Well, for 6 months, they considered it and said no. And then I turned their rejection into the Chemical Manufacturer's Association, which is what it was called at the time, which is a business organization and it was tied somehow to their ISO certifications. They had to sign onto principles which stated that they would work within their community so that they got a good attaboy, and they had to be a shining example in order to get this coveted ISO certification at a particular level. Once I did that and sent my certified letters, the company called me and said, "We want to talk to you about reconsidering doing this source reduction project." So, we met and I got two other ladies to go with me and for the first 6 months, it is sort of like saying, O.K., we are going to take a trip. We don't have a car. We are going to build the car. Then, we've got to draw the map and then we've got to see how we are going to get there. So, there was a lot of consternation about how we were going to approach this and, of course, the company immediately wanted to focus on waste minimization and I said, "No, no. I don't want to do that. It is not going to do any good. There aren't enough people to watch that every day. It is out of control and it is not controllable. So, we want to focus on source reduction – reducing the pollution at the source before it is ever created." And they said, "O.K." And we went along. And after meeting monthly for about one year, I invited Dr. Neil Carman into the project as a technical advisor because he is an absolute walking library. He is a former state regulator. He worked for them years ago, O.K., and you really should interview him, Carla. We worked very closely for the last 15 years. He came in as a technical advisor. We went on probably 15 plant tours of both of those plants dressed in hard hats and safety glasses and I told them from the beginning we wanted to understand every process that went on in their plant. It was the nuts and

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bolts from the ground up project. I mean, we thoroughly understood the chemicals they used, what they did and why they did it to those chemicals and when they did it, and what they got from it. I mean, I can go in the plant today and explain their process to you. That is how in-depth it was. And then I requested that they send their engineers from the different departments to talk to us about their opportunities for source reduction and if I got first shot at the engineers, I got my answers because I knew I had a very short time before they'd shut them down. And it was tedious but let me tell you the result. At the end of 3-1/2 years, Lyondell agreed to reduce their benzene to the flares that they were regularly flaring by 2,068,000 pounds a year. That represented 17% of their TRI reportable air pollution. There was a 17% decrease in extremely toxic carcinogenic air pollution that is no longer dumped in that community.

With Equistar who, by the way, still had 9 grandfathered boilers, grandfathered meaning they were not fully permitted, we pushed them on getting them permitted. Their governors were so old that in 1999 they had 66 upsets. That means they were burning and flaring more than 5,000 to 6,000 pounds of ethylene or propylene at each upset.

CC: Did they get fined for any of this?

LA: No, because at the time, the law addressed upsets as just upsets. They didn't get fined. Nothing punitive for upsets. I even helped rewrite those policies for the TNRCC and got upsets counted. I worked on all these extraneous issues all along the way. So, at the end of the project, Equistar not only agreed to get their boilers fully permitted and up-to-date, but they also agreed to spend \$60 million bringing their plant up-to-date which included buying 9 new governors. Part of the reason for that was that I discovered a SIP inspection where there were 17 pages of major violations.

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CC: What is a SIP inspection?

LA: State Implementation Plan inspection which was part of the law and the TNRCC did those inspections. And their inspection happened to come up in 1999. Someone in a county office just happened to drop a copy of that report in an anonymous envelope to me. So, I not only had the suspicion but I had the facts to back it up. And so, they reduced the air emissions of their 1,3 butadiene's by 400,000 pounds a year which was also a 17% reduction in their entire air emission program, their TRI reportable air emissions. So, we counted that project, number one, as a citizen led project – the only one of its kind in the United States – as a huge success.

CC: It sounds like it was.

LA: It was. And while I applied the efforts of Carol Alvarado and Mayor White in cleaning up what is located jurisdictionally in the city versus jurisdictionally what is located in the county, they have gotten an agreement from Texas Petrochemicals to reduce their 1,3 butadiene emissions by, I think, 12,000 pounds. And they are really excited about it. And I am excited for them. But I have gone through the documents and the reportings and reports and I discovered that there are basically 4 companies that produce more than 50% of Houston's high numbers in pollution – 4 companies: Lyondell and Equistar are right up there at the top, Shell and Exxon Mobil. Those 4 companies produce more than 50% of the pollution yet they bear less than 50% of the burden, financial burden.

CC: In what way?

LA: Well, for example, Shell just did a huge expansion. They doubled their ethylene production a couple of years ago. They violate the law all the time and then they say, oh, it was an accident. Well, it is not an accident. It is a planned accident. And most of those accidents

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happen when it is raining and they think they can get away with it because the rain knocks the stuff to the ground. But during the Texas 2000 study, we found out some of the real truth and all of the real truth has never been published because industry got hold of it. The real truth is in the flyovers that they did during that study. They discovered a lot of companies are emitting 100 times more than what they are reporting. So, this is something the citizens in these communities that live next to these facilities have known for years. So then I continued to get the information about the cancer statistics and about 2-1/2 years ago, 3 years ago now, I started trying to get information about cancers per zip code. Industry really got nervous about that. They watch everything I do. Because I think if we could get some good, honest reporting - and the reporting is so bad in the state of Texas - but if we could get some good, honest reporting on cancer data in the communities where these industries are located, with types of cancers, etc., then there would be no doubt where the problems are and also what the problems are. But you have to get structurally correct first. There are no health measures in place in the state of Texas in any health department. So, if you don't have any health measures to go by, then nobody can say there is a problem. Very crafty work by the Texas Chemical Council, don't you think? So, we truly are what I have been saying for 15 years - we are trapped as unwilling participants in industry's experimental laboratory set up all along the Houston Ship Channel.

CC: Did the Bucket Brigade start out of this or did that come later?

LA: Yes, I started after the American Envirotech was defeated, after that incinerator was defeated. I started an organization called Grandparents of East Harris County. We didn't do a lot with that organization. Most of us were pretty tired after the fight with AEI because it does take over your life. And so, then I went into the source reduction project and that was 3-1/2

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years of my life. Then, after the source reduction project, I had heard about a bucket brigade type outfit in Louisiana. A guy had come to town and asked me if I wouldn't get interested in it and promote it for him. Well, I really wasn't of a mind to do promotions for someone else's project, especially someone from California who didn't know what was going on in Texas or Louisiana. And I did some investigating with his materials, the bucket, for example, that he was collecting these air samples in who is using tedlar bags. I went to the EPA and they gave me a copy of a report that was . . . this is going to be way too much . . . that said that the tedlar bags were questionable and would not be credible evidence because of the actual fact that chemicals leach in and leach out of those tedlar bags. So, I started doing a little research on my own, unbeknownst to anyone, about how the federal EPA secured their lawsuits and their evidence for lawsuits. And I designed a system exactly like theirs. I found the equipment that was exactly like theirs except it was better. I used silicone-lined canisters, and I got the affidavits, all of the questionnaires and then Dr. Marvin Legator, from UTMB, who has passed away now, helped me design the questionnaire so that it would be a legal affidavit and about health effects and I started training communities. I got 8 communities fully trained with these canisters in their hands. There was a lawsuit against Crown Central Petroleum in Pasadena.... all companies when they have a lawsuit against them have the ability to turn a portion of their fine into environmental projects. And they turned \$38,000 of their fine into an environmental project for the Texas Bucket Brigade. And that is how we were able to buy the canisters and set up the testing. I would not use a lab in Houston. I did interview a lab in Houston but they all work for the industries, so it would present too much of a compromise situation for our results to be considered credible evidence because if you can imagine you own a lab and 99% of your

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business comes from Shell and Exxon, and then I am in there having you analyze air samples that are going to be considered credible evidence against them, what do you think you are going to do? So, I found a laboratory which was above board in San Antonio – Southwest Research Lab – and I set up to send these canisters to them to have them unload the canisters and do the testing. And we were able to take, I believe, 65 random samples during the summer of that year and you just cannot believe what our samples showed. Now, number one, it is very difficult to take a good air sample. You have to know what you are doing. The wind has to be in the right direction so that you are not wasting your \$500 that you pay Southwest Labs for these because they are very expensive. Very, very expensive. So, in 40% of all those samples, benzene was well above the long-term ESL – effect screening level – which is the only controller here in Texas. And so, 40% of the time, when you go outdoors, you are breathing more benzene than is allowed by law. And where it comes from, nobody will admit, you know.

CC: Well, benzene and butadiene have been targeted as two major chemicals. Did you all find other ones that the chromium 6 dehexavalent or . . .

LA: I can provide you with a list of the samples I have provided that list to the City of Houston, to some of the people that you are going to be interviewing, as a matter of fact. The lady that you mentioned her name a while ago – I forgot now . . .

CC: Ms. Marks?

LA: Elena Marks has a copy of that because two years ago, the Bucket Brigade, because it is citizens, you know, and because you have to keep them organized and coming to meetings, etc., it is very difficult and the participation was really down, and I went through a really bad siege with my health so I gave \$25,000 worth of equipment to the city and to the county. So, they now

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have those canisters and some buckets, too, so that it would enhance their pollution programs. So, the Texas Bucket Brigade donated \$25,000 worth of equipment to the city and to the county.

CC: Are they using it?

LA: They say they are. Now, I don't have anything official but when I talked to Paul Newman, who is in charge of the air program for Harris County Pollution Control, he tells me they are using them and Arturo Blanco with the City of Houston tells me that they are using them. So, it has enhanced the city's ability to have credible evidence against the companies, if you understand what I am saying because heretofore, they did not have a program because it was considered too expensive.

CC: I understand one of the problems is not just emissions from the stacks but also the leakage on the ground.

LA: Yes. Well, part of that \$60 million that Equistar agreed to spend was because they had so many leaks under their insulated piping. You know, there is like 6,000 miles of piping in one of those facilities and it is so old that you get little pinholes from rust, and it is wrapped, it is insulated so you don't ever know it. So, it is out there leaking. Now, they have FLIR systems now which is – I forget the full name for it – Neil will have to tell you – but it is an infrared beam that is shot through an area and it hits a mirror as a target and shoots the beam back. And when that circle is completed to measure the chemicals in the air. And they have done a lot of those tests around these facilities, around tanks, but especially, at my suggestion to these people, around their cooling towers because one of the tricks the companies would do was that rather than report benzene emissions, they would dump that into the water of their cooling towers and it would go up in the atmosphere and nobody would ever know it. It has been amazing. The

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education that I got in the 3-1/2 years that I was in and out of those plants once a month was just phenomenal, and I will say to you the fact that men can build such huge facilities that all have to operate together, all of these operations and these processes have to operate together to produce a final product that they can dump into the pipeline for sale is really fascinating. It was fascinating to me though it is so far from what they tell the public... that it is safe. It is not safe. It is not safe to live around them. And from the BP explosion in Texas City, we all know that now. But it is a possibility of any of the plants around here. Exxon in Baytown refines more than 600 barrels of gasoline every day, every day. They ship that gasoline through a pipeline across the road to a ship that is sitting there waiting to be loaded. It is just fraught with possibilities. So, you hear people worried about terrorist attacks along the Ship Channel - that is why. These plants are located, in many areas, right next to each other. Especially along 225 and the Ship Channel over there. And when one of them goes, it is not going to take much to make the other one go with it. During 911, right after 911, we had a source reduction meeting and I said to them, "I want you to take the information back from us to East Harris County Manufacturing Association," and I will explain this structure in just a moment, but the citizens are outraged that they did not shut down the Port of Houston and search every ship prior to entry. In Houston, there is a business organization called East Harris County Manufacturing Association. We call it EHCMA. Their membership consists of 125 plant managers of all of these facilities in Houston. We are the energy capital of the world. Further to that structure, we had the Greater Houston Partnership which is a little more sophisticated. They deal with the legislators. So, they take the information from EHCMA, they refine it and then they had input from other people around town. that like the parade as a nonprofit organization and it is called HARC, Houston Advanced

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Research Center, and John Hall, the former chairman of the TNRCC is now employed by HARC. So, it is all in concert. Now, we have this big, new environmental center at Rice University and it is completely funded, built and run by Shell. We have this wonderful Medical Center in Houston that was built with oil money and still, a lot of the funding for M.D. Anderson comes from oil people – big oil people who control other funding sources. So, it is just phenomenal. It will blow your mind. You need to investigate the Carlisle group because their roots are right here in Houston with James Baker.

CC: And what do they do?

LA: They control our financial world. They absolutely control our financial world.

CC: Did a lot of the people where you live end up with cancer?

LA: Yes, they did.

CC: Did they work in the plants or just live near them?

LA: Both. I had an uncle who died from leukemia who worked at Exxon Mobil in Baytown, Exxon then. A lot of our neighbors. Too many of our neighbors died from cancer. And too many babies die from neuroblastoma, you know, so these babies . . . if you look at the premature infant mortality rates . . .

CC: You are saying they are high?

LA: Yes, they are high all over Houston, and it is not just because of benzene. It is because of ethyl benzene. It is not just because of toluene. It is because of every chemical out there. But the chemical list we started with at Equistar, I looked online at their reports and I thought that I gleaned the top 20 chemicals in terms of volume and usage. And I had a toxicologist work up a really in-depth report on all of those chemicals and the way it affected your body, the way it

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entered your body, the way it was metabolized in your body, and the way your body got rid of it. He started with 20. We chose 18 of those chemicals to target in that work. We did create a table that is reusable. You can pick this project up and move it to any community and use it but it was so effective that the corporations will never do it again. Never.

CC: And you tried to get more than just benzene and butadiene?

LA: Oh, you bet. I've got the list outside. If you want to stop this for a moment, I will show you.

CC: Was there an increase in gliomas? Did they find that . . .

LA: I am not familiar with gliomas.

CC: It is a brain tumor.

LA: You know, I have so much information up here and I have so many hundreds of boxes of information at home, I would have to go back and review . . . I don't remember off the top of my head but I will be glad to share with you all of that recent cancer data that I have received from Dr. Russer. It is by zip code, by the way. Now, you know that the *Houston Chronicle* from time to time really kind of gets in a twit or a snit and they will do a decent targeting environmental article, and Cindy Horsewell did one in February.

CC: Dina Cappiello did the one *In Harm's Way*, January 2005.

LA: Right. The one Cindy did was very specific and it was by zip code and she got into . . . it took me 2 years to get the zip code information. They turned me down, would not share information with me even though it is a legal requirement. I finally had to get help from Sylvia Garcia and then they finally gave me the information. And then, in February of that year . . . and Cindy Horsewell knew I was looking at the information. She went to them and she found where

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they had done studies, health studies – 3 of them in the Channelview area – but not only in the Channelview area, they had done studies all along the Ship Channel and that area, and the cancer rates are not 100% higher now, they are 200% higher and so are the incidences. The incidences are 200% higher in these zip codes all the way up to Cleveland. Now, what is interesting is those elevated cancer rates don't follow traffic patterns even though we know we need to deal with transportation. The evidence is in. And Stephanie will have a map with her tonight and you can look at it because I had the map made. And it goes 50 miles due north of the Houston Ship Channel industries, and that is where . . . because the prevailing winds are south southeast and north northwest... 75% of the year. And that is where all their emissions go. And those are the people that are dying 200% faster or more than they are in other areas of Houston. Now, nobody in Houston escapes. The people in Memorial think that they've got a pass. They don't have a pass. They don't escape. Nobody escapes in Houston.

CC: Were you aware of the new study that is being done by Winnie Hamilton? She is at Baylor. She is researching the link for health hazards. I think it is just starting.

LA: No, I know Winnie and I like her very much but just remember, I believe you can look at every study that has ever been done by anybody who is employed at a hospital or at the Texas Medical Center and they will never be revealing because of their funding. They might reveal a little bit, O.K., but it is like they are out there saying, please, please, please. Won't you just listen?" And they are not going to force anyone to do anything. And it is just like the Sonoma study that the City of Houston did several years ago. All that was was a review of other studies. No new empirical data. None, until the Texas 2000 study was done. That was new empirical data. It was important. But just to sit and review old reports that are dated, to me, we don't need

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any more studies. We have studied this since 1950. People were screaming about air pollution along the Houston Ship Channel since 1950.

CC: And nothing has been done?

LA: Well sure, little tokens have been done here and there when the screaming gets too loud, you know, but no, I mean, this business is very fertile for the petrochemical industry. They know if they want to make money, they come here.

CC: What do you suggest that the government needs to do?

LA: The government? We are the government. We are the government. And I am going to tell you – citizens need to get over themselves and decide that nobody else is going to do it for them. They are going to have to fight for their own health and their own lives and the lives of their families and the lives of their children.

CC: Are there any particular ways that you could suggest?

LA: Yes. The main thing that I can suggest is that they absolutely hold their elected officials responsible. They are our employees and I know that sounds trite and silly but it is so true. We own the government and until we stand up and say, we don't like it, they are going to continue to steamroller over us just like they have done in Texas for years. There is nobody out there looking out for you. You are going to have to fight for your own life, for the life of your family, and for the life of your children. Even if it is acceptable to you that you have a 200% higher risk of dying from cancer, then I guess you won't do anything about it. If it is not acceptable to you, I guess you will take measures to change things.

CC: So, the industry would be eliminated or the industry would be modernized?

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LA: The industry would follow the rules and if they did not, they would have to shut their doors. I am not against anybody making all the profit they can as long as it does not hurt anyone else. I went to Commissioner's Court in 1997 to object to two \$100+ million tax abatements. One of them was \$130 million, the other one was \$120 million for two of the same old companies. I had done a little bit of homework and learned that the tax abatements averaged a total of \$8 billion a year in Harris County. And typically, these tax abatements had a term of 10 years, that they were issued to the same old industries over and over and over. Well, I read the premise or the foundation of what the tax abatement system was supposed to be and it was supposed to be put in place as an incentive to industry to create new permanent jobs. Well, I looked over these 10-year periods and I knew that the number of employees had not changed. So, this day, when I went down there, I had my own notes but thought the commissioners would just listen to me. And Judge Eckels interrupted me 7 times during my 3 minute allocated time to speak. So, I decided, O.K., if I am going to really get their attention about how serious this issue is . . . because I can see, if you solve the problem, you have to do it by following the money. If people are uncomfortable with that, they don't even need to be involved because that is the only way you are going to solve the problem. So, I go over to Harris County Appraisal District and I spend all day with Ralph Wallace, who was then head of the Harris County Appraisal District. He printed tables for me, he worked his calculator and he determined that if industry had paid their fair share of taxes, that it would have reduced the property taxes for every Harris County citizen by 25%. At the time, my tax bill on the house in Kingwood was \$4,000 a year. So that meant no different than my sitting at the table writing industry a check for \$1,000 a year. It was a forced subsidy, well hidden in the bias of the county operation that nobody was looking at and

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it was a big, dead giveaway. So, I got my packet ready, I went back to commissioner's court to object to two more tax abatements that were over \$100 million each to these same old petrochemical industries. And I handed my packet out before I started speaking. Judge Eckels again interrupted me every time he got an opportunity – 5 or 6 times in my 3 minutes – and at the end, I felt very defeated. I had my daughter stand up and hold up a notebook showing where 500 lobbyists were hired by the county and the city and basically did nothing, and that citizens were losing billions of dollars in forced subsidies to these corporations.

LA: So Carla, at that second visit to Commissioner's Court, I handed out the packets. I went away feeling like they were never going to do anything. Well, one week later, Steve Raddick's secretary called and she said, "Lanelle, Mr. Raddick wants me to talk to you. I know you are passionate about this issue but do you mind talking to me?" I said, "No, not at all. Sharpen your pencil." So, we talked about it. She said, "What is the solution?" I said, "First, you've got to find out where you've been before you know where you can go so do an audit. And the typical term is 10 years, so you are going to have to do an audit for more than 10 years to see how many new permanent jobs have been created. That is the basis for the tax abatement." And I said, "Then, what you have to do is... one of the companies I objected to have active litigation filed against them and indictment by Harris County Attorney's office for environmental compliance problems. So, you are taking from one hand, with one hand, and you are giving with the other. That is just a little conflicting, in my view. So, if a company cannot comply with environmental regulations, why is Harris County giving them a tax abatement? That is a reward, isn't it, an incentive for doing things the right way?" She said, "Yes, you are right." I said, "So here is my suggestion. If they come to make an application for a tax abatement, they'd better not have any

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compliance problems or they don't get to fill out the paperwork. If they don't have compliance problems when they apply for a tax abatement and they get the tax abatement and the term is 10 years and during the 10 years, they have environmental compliance costs, they have to pay it back."

CC: Did they accept your suggestion?

LA: Yes, they did, and in less than 1 month, the County attorney had implemented everything I said. There was a reporter for one of the radio stations that always came to our press events, our little press events, and he called me up one day – Robert Hinsley – and he said, "Guess what I've got my hands on? I'm working the courthouse beat." I said, "I don't know. What is it?" He said, "I have a copy of an internal audit." I said, "You'd better fax that to me," and he did. And guess what? Ninety-five percent of the abatements issued for more than 10 years had never provided a single new job. They were double counting employees from the corporate side of town and applying them to their locations out on the Ship Channel. And so, that was a major violation. And then, they implemented the compliance issues. So then, the next thing I hear is that the TNRCC is reevaluating the policy concerning compliance. So, everybody in Austin rings my phone and says, "You've got to get up here because you know more about this than anybody. Come on, come on." So, I went and they had the nerve to say, "We are only going to keep compliance records for 5 years, and we are going to classify them as minor, as mediocre and major." And I said, "Wait. What is this again? Why are you doing this?" "Well, it is time to review the policy." "Right. Right." And I said, "First off, their tax abatements are due for 10 years so you need to re-up this amount of time. In the second place, you cannot allow a

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company to change names and not follow the parent company because they will just change their name and reapply,” and that was something they had conveniently overlooked.

CC: Wasn't Equistar part of Texaco?

LA: No, Equistar is actually . . . this is the strangest thing . . . Lyondell. CITGO refinery was owned by Lyondell. Equistar was also owned by Lyondell.

CC: But it at one point didn't it have a venture with Texaco?

LA: Well, I am not familiar with that. I know years ago, Lyondell bought that facility from Texas . . . I forget the name of the company now but it was an old, old facility when they bought it. Equistar . . . now, Arco was the big facility, the styrene facility initially, and then Lyondell was over here across the street. And then, they did some financial swapping around when CITGO came to town and got \$600 million worth of revenue bonds and bought that refinery. And then, Arco had killed 17 employees with an explosion, remember? So, they changed their name to Lyondell and then they changed the name of Lyondell to Equistar. So, they are always changing hats so nobody can track them.

CC: Huntsman bought the Texaco plant in Port Arthur.

LA: I think so, and it has been horrible forever. And one of the Huntsman plant officials went to jail actually on an EPA . . . now, that is unusual. Oh, yes, he served jail time for violating the law.

CC: In Port Arthur?

LA: In Port Arthur. That was several years ago, back in the 90s.

CC: I remember when Texaco Chemical was sold to Huntsman.

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LA: Well, and there is another difference, too, that you need to understand in these plants when we are talking about safety and emissions, and emissions is the point of all of this, O.K.? There is an Equistar plant in Lake Charles that is an ethylene production plant which is what Equistar on Sheldon Road is, is an ethylene production plant. They can only crack naphtha, which means they don't have any upsets to speak of because naphtha is a product that is not hard to crack or process. The one on Sheldon Road cracks from naphtha all the way down to diesel, plus they get their product that they are cracking from the Lyondell CITGO refinery. It is their waste product that they send over to the chemical companies. Do you understand that is how that works? Well, if Lyondell CITGO is processing the heaviest, dirtiest crude in the world, the highest sulfur content crude in the world, what do you think they are getting over here at Equistar on Sheldon Road? Really nasty stuff.

CC: And CITGO because the crude is very heavy from Venezuela.

LA: That is right, and Venezuela Petroleos actually was the business partner in that swap. So, it does stand to reason they do get some naphtha there but, you know, the basic thing is that sludge that they produce at that refinery and they send it over to Equistar and they have to try to make ethylene and propylene out of it. So, it is a big mess, if you really want to understand it. But it is all driven by dollars. Every bit of it is driven by dollars.

CC: You mentioned that you used to be a plant worker. Where did you used to work?

LA: Armco Steel. I worked out on the plant as a metallurgical inspector.

CC: And did you leave because of the pollution?

LA: I actually left because I got married. But they did have significant pollution problems from their open hearth and their electric furnaces were the biggest pollution producers. As a

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matter of fact, there was a cancer hot spot over in Woodland Acres which is on Industrial Road, and I know it was due directly . . . it was brain cancer primarily. And I know it was due directly to that . . . it was directly tied to the pollution from Armco Steel.

CC: Did they get any settlements?

LA: No. Our laws are too weak in the state of Texas and, you know, it takes some pretty deep pockets to even try these cases. And if you think that . . . I mean, I had been pretty harassed by industry myself. They threatened to arrest me twice.

CC: For?

LA: Well, when the BBC would come to town, they would call me and say, "Lanelle, we are going to be in town and we understand you can take us on a tour." I said, "Yes, I can." So, we go on a tour of all the industries along the Ship Channel. We stop on a public roadway because I know the difference – I am a realtor – I know what is public, what is not, what is dedicated as ingress, egress, what is not, and they still threatened to arrest me.

CC: For trespassing?

LA: For trespassing. The latest . . . and I have done on camera interviews for the BBC 3 times now – the latest one was this past June with the BBC and they again threatened to arrest me and I want to tell you something interesting about that in a moment, but I have done on camera interviews for German TV, for French 2 TV which is their public television, and for Japanese TV. And when the French 2 TV guys were there, we were in front of Lyondell CITGO on a public street, 4 lanes in the City of Houston. And they sent their off-duty Harris County cop out there to try to really intimidate me and he did, or he tried to because we weren't supposed to be taking pictures with the camera.

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CC: Because of homeland security?

LA: Well, that was before all the heavy laws were in place from homeland security, O.K., but they were still threatening the same thing. And the cop started trying to get a little rough and I just flipped open my cell phone and I called 911 and said, “We are in the city of Houston. You need to send a policeman. I am being threatened by a Harris County sheriff.” And he said, “I can’t believe you just did that.” I said, “Well, hide and watch – I am going to do some more.” I looked at him and I said, “By the way, did I tell you – I just don’t do intimidation. I just don’t do it, okay?” So, I flipped my phone open and I called Dave Harpell who is the information officer for Lyondell and Equistar and Lyondell CITGO and I said, “Dave, it is Lanell. How are you?” “What’s wrong Lanell?” I said, “I am in front of Lyondell CITGO and you’ve got a cop out here that is pretty determined that he is going to arrest me and I just want to put you on notice that if he does, David, you are going to get a PR black eye in the morning when I am on the front page of the paper. So, do you want to call off your dogs?” He said, “I will call them right now.” So, I closed the phone and here comes the plant guy to tell the cop to let me go. He had my driver’s license. He said, “No, I’m not going to let her go.” So then, the Houston cop comes up and he says, “What is the problem?” I told him and he said, “I am going to go talk to this man. He is an officer of the law.” I said, “He is a rent a cop. I am sorry.” He said, “Quit saying that. That is why he is mad at you.” And I said, “Just get me my license back or arrest me, one of the two. We have been here long enough.” So, the little guy from the plant came out and said, “The big boss said turn her loose and quit intimidating her,” so the officer did give me my license back. But this most recent time in June with the BBC, we were on a road called Title Road. It is a public road built with taxpayer money, maintained with taxpayer money and it does nothing but

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service industry. It runs off of 225 over to Battle Ground Road, and it passes probably 6 or 8 industries through that little path. Well, I had prepared the BBC guys with a 20 minute lecture of where you can set your camera tripod and where you can't. So, here comes the guard and we are a good one-half mile away from Oxy Vinyls, so it is not like we are getting any close-up pictures of anything. And he comes out and he says, "Well, you are trespassing." I said, "Actually, we are not." He said, "Actually, I am calling the cops." I said, "O.K., be our guest." And so, they never did come, so we left. Well, one week later, a Harris County sheriff called me to interview me over the phone because of homeland security issues because I was out on Title Road and I gave him Hugh Marks' telephone number with the BBC so he could call him in London and he did and I explained to him that we gave the gentleman our ID, we weren't hiding anything, we were right out in the open, it was the middle of the day and we were one-half mile away from the plant. Well, another week passed and the FBI called me because they had a homeland security report. I assured both of these guys that they were being used as a weapon of intimidation by these companies. So, I called the plant manager of Oxy Vinyl and I put him on notice that since Google Earth had a program that anybody that wanted to log onto a computer could get a bird's eye view of their facility a lot closer than we were, I thought he ought to rethink his attempt at trying to intimidate anybody, because you can get more information . . . have you looked at the Google Earth program?

CC: No.

LA: You can move to the location of one of those facilities. You talk about terrace friendly? It is very terrace friendly. And you can look down straight on that facility and you can even see how much product they have stored in their tanks.

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CC: It doesn't show the emissions?

LA: So now, the FBI wants me to be afraid that I was one-half mile away and that I am violating some homeland security? So, we are living currently, in my opinion, in a state in this country that is created by the oil companies, it is operated by the oil companies, and all our laws are being reinforced by oil companies.

CC: Have any of the neighborhoods attempted to take these companies to court that you know of?

LA: No. A lawsuit would cost probably close to \$5 million.

CC: What about the buy-out programs?

LA: Those aren't talked about much and they are not exercised much anymore. Several years back, Exxon bought a lot of citizens out in Baytown, and you can go see the empty properties now. And that was what this BBC was about... Global Warming. And so, we spent a lot of time down there looking at the buyouts. But the last buyout attempt I know of was an 80-year-old lady. Now, she was 79-80. She had lived a pretty good long life but she had just been diagnosed with cancer and she was the closest house to the Exxon facility in Baytown. And she approached them and wanted them to buy her out and they said O.K., we will buy you out but what we will do is pay you 50% of the tax appraised value of your land only and if you want to keep your house, you are going to have to have it moved. So, I don't call that a buyout program anymore.

CC: What did she end up doing?

LA: She died 3 months later in that house. It was sad. It was really sad. What is really sad though is to see all the babies living there right next to these plants and the teenagers outside

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playing football. Sadder than that yet is to hear them say, "Oh man, I am just in the perfect position because my dad is going to get me a job at the plant."

CC: How do the workers feel?

LA: There is no way to gauge. There is not a monolithic thing. A lot of them know, especially those that occupy positions in the unions, they know what is going on. They object. I have been called down to talk to the union at Exxon. I have been called to a union in Pasadena to talk to them about it. But it also gets back down to what can they do under the structure of the current laws in Texas and how much money does it cost to do it. And we lose. Citizens and workers lose on every count.

CC: And I am sure these people feel their jobs are highly important.

LA: Well, I don't think it is the importance of their jobs that they . . .

CC: No, but I meant having a job.

LA: Having a job at all, yes. The income to their family, the support to their family is what is primary to them and if you live in a city that 80%, 70% - actually it is really only 50% - is petrochemical, you know, it gets pretty important. But a lot of the other associated businesses that exist, that aren't in the clear 50% petrochemical, are supply industries to the petrochemical industry. Do you understand what I am saying? They can't be classified as a petrochemical industry but they can build scaffolding and other things for them. So, we are an industry town. It is an industry town of 4 million people. Now, we get to the part of the, not the full-time, permanent workers but the contract workers working for these contractors that go into these major facilities, and BP is the best example that I can tell you. I have been saying it for years. I even said it in Spanish for the Spanish radio and television stations - that they hire these people

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who can't read English, they can't speak English, they put them into these plants with all the directions printed on everything in English. They can't read them. Oftentimes, they are not well trained because they can pay them \$10 an hour, and a contractor was the reason BP blew up, a contractor was the reason on almost all the blowups at Phillips that went on for years. And every year, the number of permanent jobs in these plants continues to decline and they are replaced with contractors. Many reasons for that. Number one, the cost of labor. Number two, if an accident occurs that is caused by a contractor and contractor employees are killed, the companies don't get charged with it through OSHA. They don't get charged the deaths. It is not on their record. Number three, they don't have to provide insurance for those people. So, it is really a pretty sadistic game. If we could take this and put it into a computer game, it would rank right up there with Mortal Combat.

CC: So, the bottom line is the money?

LA: The bottom line is always the money. You know, I have accused these corporations for years of being immoral but they are not actually immoral, they are amoral - they don't have a moral position at all, and the people who work for them say, 'We don't make the decisions.' And I say, "Somebody makes the decisions. Is it the CEO?"

CC: I understand, after doing some research, that the ESLs in Texas are different than any other state.

LA: They are not even scientific. There is no scientific basis for our system of ESLs or TLVs - threshold limit values. There is nothing scientific about it. Somebody dreamed it up and that is what we follow. It is really pretty sad.

CC: And who makes the decisions on the permits?

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LA: Basically, the governor's office because the TCEQ is completely, totally controlled by the governor's office. Now, the reason John Hall was not completely controlled by Ann Richards years ago was because, believe it or not, John Hall was a paid lobbyist for waste management, so he was already being groomed for higher positions politically and he was in there doing his - what shall I call it - conservative work under a Democratic governor.

CC: And how is Harris County as far as fighting pollution compared to the City? Is there any particular person in charge?

LA: Well, we have Harris County Pollution Control. Now, Rob Barrett has retired and so the question becomes how industry friendly are these controllers, are these enforcement guys? They don't have any teeth because the TNRCC requires that they follow . . . they do a lot of their funding, by the way. So, the TNRCC has contracts with them. So, what do they have to do? They have to dance for their dinner for the TNRCC. There is an attorney in town by the last name of Berg that you need to speak with and he has been doing some work for the mayor, as a matter of fact, and I forget his first name. It may be Daniel Berg, but Elena Marks can tell you his name. You need to talk to him about this situation because my last visit to the public meeting at Milby, he was there and he was telling people how far he was willing to go to get suits filed against these companies and how the City of Houston was going to hire more attorneys, as a matter of fact, to handle this load. And I simply got up there and said to him, "Until our city and our county operate more like corporations, I don't see why anybody is putting forth any effort." In other words, these people out there from the county and these people out here in this audience from the city, if they can't find a solution to the problems, why are they being paid? But we go on year after year after year with the University of Houston, with Rice University, with a lot of

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smaller universities, with all of these medical schools - all these medical schools - UTMB in Galveston, Texas Health Science Center - and yet, we can't find a solution? How can this problem be so complex that we cumulatively, collectively, cannot find a solution. And if we can't, then stop paying all these people. It is our tax dollars that are paying them and you are saying, "Oh, well, we are going to find a solution. We are going to do another study." "No, I'm sorry. You're not going to find a solution and we don't need another study."

CC: Results?

LA: We need laws that are enforceable. We need laws based on fact and I am sorry, industry is never going to follow the law unless we have enforcement, unless regulations are enforced. They keep moving us further and further away from enforcement saying, "Oh well, we don't need to spend money on enforcement. There's too many of us. We just can't do it." Well, they can't do it because there is no funding there. They are using their funding for our tax abatements. A good example of that is Tom Delay. He is the perfect example of vending machine governance and he is from Houston, Texas. Harris County.

CC: Well, I will be very interested in seeing your statistics along the Ship Channel. There does seem to be an awful lot of increase in cancer in those areas.

LA: Well, with all the law schools that we have here in Harris County, don't you think we could gather up, muster up, enough energy to find a solution to the problems?

CC: You would think. I want to thank you so much for this interview.

LA: You are welcome.

CC: Thank you.