



8. Norco, Louisiana

One community's history with Royal Dutch Shell.

NORCO, LOUISIANA . .

My question is: Are you going to be true to what you say on paper about cleaner air and about being fair and being a good neighbor. . .?

- Margie Richard, President, Concerned Citizens of Norco, The Hague, November 2000.

In Louisiana, about 25 miles up the Mississippi River from New Orleans, a man named Pierre Trepagnier was awarded a huge gift of land for his services in the Louisiana militia. It was some time around 1790. The land grant was made to Trepagnier by the Spanish governor of Louisiana, which wasn't yet part of the United States. Two hundred years later, on this same land, a modern-day battle would unfold between the Shell Oil Company and a small community named Diamond. That struggle, which continues to this day, pits the Shell Oil Company against the African-American descendants of former Trepagnier Plantation slaves, some of whom, along with others, came to live in Diamond. At issue by the 1950s would be matters of land, public health, and community rights.

Background

In 1973, gas shot from a pipeline servicing the Shell Chemical plant. One resident, Helen Washington, was killed instantly. Another, Leroy Jones, cutting the lawn at Mrs. Washington's at the time, was set on fire. He died two days later at the hospital. Several years later, in February 1977, Shell bought the lot and home where Mrs. Washington was

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killed. The price was \$3,000. Other incidents occurred too, like the 1985 and 1988 refinery explosions, terrifying not only the residents of Diamond, but all of Norco and nearby communities. But Shell's two operations were also affecting the quality of life throughout the Norco region on a subtler scale, through continued, chronic releases of chemical pollutants to the air and water. The two Shell operations by the 1980s were producing substantial quantities of material. They were also producing substantial quantities of waste, water and air pollutants, and accidental chemical releases. Residential communities near the Shell facilities, whether Diamond or other Norco communities — as well as outlying communities close enough to get a whiff of Shell's operations when the wind came their way — were being subjected to Shell pollutants, some directly by air on a daily basis, and others at a more inconspicuous level, through surface waters receiving the wastewater from the plants' operations.

Good Neighbor Shell?

After the tragic May 1988 explosion at the Norco refinery that killed eight workers, injured 20 others, and caused the evacuation of 4,500 people (see Chapter 4), more of Norco's residents became wary of their petrochemical neighbors. In fact, in the immediate aftermath of the 1988 explosion, Shell faced a huge number of claims for property damage and personal injury. And while the company paid out sizeable sums, it also moved in ways that some found suspect. A 1993 court settlement gave thousands of dollars to a large group of some 17,000 claimants named in a class action lawsuit. However, others were excluded from those payments because of documents they had signed with Shell in 1988 agreeing to take instant payments of \$1,000 each from the company in return for a promise not to sue. Shell had made such arrangements with about 1,100 people. Margie Richard, a resident of Norco's Diamond community, was one of them. "It was a fast routine," recalled Richard in September 1993 of what Shell had done following the 1988 explosion. "Why would they do that at a time when they knew people were shaken up?" Deonne DuBarry, an attorney representing some of Norco's plaintiffs in 1993 thought the Shell deals were unfair. "Basically, these people did not

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know what they were doing. I think Shell . . . took advantage of people in shock."

Diamond, in fact, was a community at high risk — a community in the cross hairs should there be a major accident at either of the Shell plants.

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Shell had periodically bought up the homes of residents living near its facilities in Norco since the 1970s, maintaining that this was part of an ongoing program to establish buffers on the borders of its facilities. In fact, by the late 1990s, Shell had bought up nearly 125 homes in the Norco area. Many of Diamond's residents — learning more about what they were living with — just wanted to get out, and felt Shell bore the responsibility for buying them out at reasonable prices. In the mid-1990s, about 250 members of the Diamond community brought a law-suit against Shell seeking to be relocated.

However, after two weeks of testimony the residents lost their case and decided not to appeal. By 1998, however, the push for Shell to buy out the community was renewed by changing circumstances. Further incidents at the chemical plant had touched off the "bucket brigade" air sampling.

EPA and DEQ by then had also started paying more attention to Shell. But one incident in particular served as a lightning rod, and both re-energized the community and drew attention again to the plant's dangers. On December 8th, 1998, early in the morning, Shell workers began knock-ing on doors in Diamond warning them to stay in doors as a tank at the plant had overpressurized and might explode. By mid-day, however, Shell officials said they had turned the problem around and regained control of the tank. But then, in another part of the complex, a cloud of emissions was released that came through the Diamond community causing burning eyes and some respiratory problems.

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In August 2001, Shell inflamed the debate in the Diamond community when it purchased a wooded section on the Diamond community boarder called the Gaspard Line that separated the black and white sections of Norco. Shell paid \$158,000 for the parcel. The purchase not only raised fears of Shell further expansion, but also raised questions about Shell's priorities. "You mean to tell me that grass and trees come before human beings?," asked Diamond resident Gaynell Johnson, who felt Shell should be focusing on the residential buy-out.

Shell said it was not intending to develop the parcel, thought it was time to take down an old racial barrier, and said it might turn the parcel into a park. But Shell also reiterated it was not changing its plans to buy out more residents. "Our intention has never been to buy out the town of Norco," said Lilly Galland, Shell's public information officer.

Through early 2002, Concerned Citizens of Norco and the Louisiana Bucket Brigade kept the pressure on. In February, Dr. Peter Orris, a Harvard- and Yale- educated occupational and environmental medical expert from the University of Illinois' Chicago Hospital and Medical Center, came to Norco to speak about Shell's emissions and public health. By May it was revealed that a Public Broadcasting System film had been made about the Norco/Diamond fight, titled Norco, A Company Town Divided, slated to air in July 2002. That same month, a contingent of Norco and Diamond activists traveled to protest at Shell's Houston, Texas headquarters.

Behind the scenes at the negotiating table, meanwhile, there appeared to be some give

in Shell's position. A new deal might be in the offing. After subsequent negotiations in June 2002, Shell agreed to extend the buy-out program to the entire four-block Diamond community. Shell gave the residents two choices in the program: to stay in Diamond and receive a no-interest home improvement loan of \$25,000, forgivable if residents continue to own their house for five years, or, sell their home to Shell at an appraised value, with a minimum of \$80,000 for houses and \$50,000 for mobile homes. In addition, some residents could also be eligible for a \$5,000 moving allowance, \$500 professional service allowance for consultation with financial and other experts, and miscellaneous expense allowance of \$15,000. The residents had to decide which option they would take by August 30, 2002. Residents selling their property would be required to relocate outside of the buy-out area. In all, 170 properties and some 350-to-400 people in the Diamond community could be involved, at a cost to Shell estimated around \$12 million.

"We have come to recognize that the Diamond community is truly unique," wrote Shell Chemical's site manager Wayne Pearce in a letter sent to Diamond residents. "The community is like an extended family, and we realize now that our previous efforts to create a greenbelt around our facilities may have created difficulties for some families and caregivers in the Diamond neighborhood." In addition to Shell's letter, a joint statement was issued by Shell and Concerned Citizens of Norco reflecting the learning that occurred on each side of the table. "Shell has participated in a series of frank and open discussions with CCN and Diamond residents and believes the Diamond Options Program . . . is a fair offer that provides choices to residents, said Shell's Wayne Pearce. "CCN believes that the Diamond Options Program demonstrates Shell commitment to listen and respond to its neighbor's concerns," said Delwyn Smith, CCN president. "We will continue discussions with Shell to ensure the successful implementation of the program. . . ."

Smith also underscored the difficulty of the negotiations for the Diamond community, but extended frank appreciation to Shell for

staying the course. "I want to tell you that these sessions have not been easy to participate in because of the history and our experiences of living with the impact of the [Shell] facility and the impacts of Shell's decision to relocate just one-half of our tight-knit community. . . ," he said. "I am grateful that Wayne Pearce. . . . committed both himself and his staff to participating in the dialogue sessions with us and hearing our urgent demands for change."

Shell's turnaround met with praise from the activist community working on the Diamond fight. "The key was that Shell was ready to listen after decades of complaints," said Anne Rolfes, of the Louisiana Bucket Brigade. Rolfes even suggested the Norco process might become a model for other communities faced with similar problems. "As the Norco example has shown," said Rolfes in mid-July 2002, "the people will not stop fighting for what is right. The blueprint is here. Shell has set the example."

For a copy of the book send e-mail to info@shellfacts.com