

American University Washington College of Law

## Digital Commons @ American University Washington College of Law

---

PEEL Alumni Scholarship

Program on Environmental and Energy Law

---

2014

### When Big Oil Comes to a Small Town: The ExxonMobil Oil Spill in Mayflower in Context

James D. Hekel Jr.

Follow this and additional works at: [https://digitalcommons.wcl.american.edu/peel\\_alumni](https://digitalcommons.wcl.american.edu/peel_alumni)

---

# When Big Oil Comes to a Small Town: The ExxonMobil Oil Spill in Mayflower in Context

James D. Hekel Jr.

*American University Washington College of Law*

Follow this and additional works at: <http://digitalcommons.wcl.american.edu/sdlp>

 Part of the [Environmental Law Commons](#)

---

### Recommended Citation

Hekel, James D. Jr. "When Big Oil Comes to a Small Town: The ExxonMobil Oil Spill in Mayflower in Context." *Sustainable Development Law & Policy* 14, no. 3 (2014): 35-36, 52-53.

This Article is brought to you for free and open access by the Washington College of Law Journals & Law Reviews at Digital Commons @ American University Washington College of Law. It has been accepted for inclusion in *Sustainable Development Law & Policy* by an authorized administrator of Digital Commons @ American University Washington College of Law. For more information, please contact [fbrown@wcl.american.edu](mailto:fbrown@wcl.american.edu).

# WHEN BIG OIL COMES TO A SMALL TOWN:

## THE EXXONMOBIL OIL SPILL IN MAYFLOWER IN CONTEXT

James D. Hekel Jr.\*

### INTRODUCTION

On March 29, 2013, the day after my son was born, I received a call from a friend back home in Arkansas. It was not to congratulate my wife and I on our first born. He told me about an ExxonMobil oil spill in the city of Mayflower. He described people's yards and driveways flooded black with oil. As of last spring, oil pipelines and oil spills for Arkansans were no longer just political talking points on the national news because reality had finally hit home. As North American oil production ramps up, it becomes ever more important to anticipate oil spills and examine how we will handle more of them. The United States will soon overtake Saudi Arabia as the world's number one oil producer.<sup>1</sup> It is no longer a question of if, but when, the next big spill will happen. This feature is an attempt to put a relatively small oil spill and its environmental health impacts into the broader context of other manmade environmental health disasters involving oil: the U.S. military's response to the Gulf War Syndrome and U.S. government's response to the British Petroleum ("BP") oil spill in the Gulf of Mexico. Examining the aftermath of a spill in a small town in Arkansas illuminates the potential health impacts the future of crude oil transportation in the United States will have on Americans and highlights the seriousness of the State Department's pending approval of TransCanada's Keystone XL pipeline.

### OUR PAST: PERSIAN GULF VETERANS COME HOME WITH AN UNEXPLAINED ILLNESS

"Fatigue, shortness of breath, headache, sleep disturbance, impaired concentration, and forgetfulness" are symptoms of a medical condition classified by the early 1990s medical community as "Unexplained or Undiagnosed Illnesses."<sup>2</sup> This condition is now more commonly known as the Gulf War Syndrome because it affects tens of thousands of Gulf War veterans.<sup>3</sup> War syndromes have been recognized since the Civil War, but oil exposure and unique "environmental conditions may have contributed to [the Gulf War Syndrome's] acute presentation."<sup>4</sup> It has taken the Department of Veteran Affairs twenty years to address "the full spectrum of issues that confront veterans who served in the Southwest Asia theater of operations during the 1990 to 1991 period of the first Gulf War" including their health.<sup>5</sup> The environmental health impact of oil has been felt more recently closer to home.

### OUR PRESENT: CIVILIANS BATTLING OIL IN THE GULF OF MEXICO

In 2010, Dr. Mike Robichaux, a Louisiana doctor and former state senator, treated over 100 patients in his Raceland,

Louisiana "detox center" for a mysterious illness with symptoms including those eerily similar to that presented in Gulf War Syndrome patients: "tiredness/lethargy," "difficulty breathing," "headaches," "unconsciousness," and "memory difficulties."<sup>6</sup> "Dr. Robi," as he is known to his patients, was not treating veterans returning from the Persian Gulf but oil spill clean-up workers returning from the Gulf of Mexico.<sup>7</sup> BP's Deepwater Horizon oil rig exploded on April 10, 2010, killing eleven people and dumping five million barrels of oil into the Gulf of Mexico.<sup>8</sup> It was the worst oil spill in U.S. history.<sup>9</sup> Following the oil spill, many volunteers who participated in the massive clean-up effort quickly fell sick.<sup>10</sup> A plaintiff's steering committee decided which of the many illnesses the 200,000 victims suffered would be covered in a lawsuit against BP.<sup>11</sup> Soon after, the National Institutes of Health launched the "largest study ever conducted on the potential health effects associated with an oil spill."<sup>12</sup> Many of the tar balls that accumulated after the spill are contaminated with a deadly, flesh-eating bacterium called *Vibrio Vulnificus* and continue to wash up on the Gulf shore daily.<sup>13</sup> The long-term health impacts on humans are as yet undetermined, but local dolphin populations have been devastated.<sup>14</sup> BP has set aside \$42 billion to pay for cleanup, criminal fines, property damage compensation, economic and medical costs, natural resource restoration, and pollution fines.<sup>15</sup> As much as \$17 billion in fines for violations of the U.S. Clean Water Act are still pending.<sup>16</sup> Such catastrophic events, like the BP oil spill and the Exxon Valdez oil spill more than 20 years prior,<sup>17</sup> are supposed to serve as lessons for future policy reform, but no substantive changes to preventing and handling oil spills in the United States have come to fruition.

### THE ECONOMIC GULF BETWEEN A CORPORATION AND A CITY: EXXONMOBIL COMES TO MAYFLOWER

On September 26, 2013, Dr. Robi spoke about the health effects of oil spills to an entirely new audience at Reeves Recital Hall at Hendrix College in Conway, Arkansas.<sup>18</sup> Six months earlier, on March 29, 2013 a 22-foot long gash in an ExxonMobil pipeline spewed 5,000 barrels of diluted bitumen from Alberta, Canada into an unsuspecting residential subdivision of Mayflower, Arkansas.<sup>19</sup> In addition to being near residential homes, the spill occurred in a particularly sensitive hydrological

\* J.D. candidate 2015, American University Washington College of Law. Before beginning law school the author worked for the Office of the City Attorney in Little Rock, Arkansas. Since coming to Washington, D.C., he has interned with Arkansas's Second Congressional District and the U.S. Department of Transportation's Pipeline and Hazardous Materials Safety Administration.

area: less than a mile away from the spill is Lake Conway and 13 miles of the affected Pegasus Pipeline runs through the Maumelle Watershed which supplies 400,000 Arkansans with clean drinking water.<sup>20</sup> The Pegasus Pipeline, which runs from Patoka, Illinois, through Missouri and Arkansas, to Nederland, Texas,<sup>21</sup> was built 70 years ago to transport smooth-flowing sweet crude northwards from Texas, but in 2006 its flow was reversed and capacity increased by 50% to bring heavier crude, bitumen, southwards from Canada.<sup>22</sup>

The big oil company and the small southern city are a study in contrasts. ExxonMobil employs 82,000 people worldwide and boasts annual revenues of \$440 billion, rivaling the GDP of Norway.<sup>23</sup> Mayflower, 25 miles northwest of Little Rock, is home to 22,000 people with an average income of \$27,000.<sup>24</sup> Many Arkansans have been frustrated with Exxon's response.<sup>25</sup>

Many Arkansans not only feel ignored by ExxonMobil but also feel their government has abandoned them.<sup>26</sup> Ann Jarrell, whose house is within sight of the spill, was never informed that the odors she, her daughter, and her 15-week old grandson smelled after the spill were poly-aromatic hydrocarbons and cancer-causing benzene.<sup>27</sup> Her grandson, now 18 months old, has to use an inhaler.<sup>28</sup> Mayflower United Command, an amalgamation of federal, state, and ExxonMobil representatives organized in response to the spill, evacuated parts of the Northwoods subdivision but not Ms. Jarrell.<sup>29</sup> "Hindsight being 20/20," Arkansas Attorney General Dustin McDaniel said, "it would not have been unreasonable to double or even triple the number of mandatorily evacuated homes."<sup>30</sup> He did not realize at the time he announced the evacuations that ExxonMobil would only compensate those people whose departures were mandated by the State of Arkansas.<sup>31</sup>

Affected parties, some joined by the State of Arkansas, have filed several lawsuits, against ExxonMobil for devalued property, nuisance, and expenses.<sup>32</sup> One health claims suit lists symptoms like "dizziness," "shortness of breath," "severe headaches," "insomnia," and "blurred vision:" the same symptoms present in Gulf War veterans and BP oil spill remediation workers.<sup>33</sup> The scale of this oil spill may be small, but ExxonMobil has not confronted the plaintiff's steering committee regarding

a class action lawsuit. ExxonMobil spokesman Aaron Styk said all claims are being handled "on a case-by-case basis" and "for all valid claims," ExxonMobil has "paid all medical expenses."<sup>34</sup>

## CONCLUSION: OUR FUTURE IN OIL TRANSPORTATION

The Mayflower oil spill may seem small compared to the BP oil spill, and its consequences pale before the Gulf War Syndrome, but they are very real to Mayflower residents. The spill has certainly raised awareness among Arkansans. "Before this I didn't know the difference between the Keystone XL and a Keystone beer," said Scott Crow who lives a five minute walk from the spill.<sup>35</sup>

The aftermath of the Mayflower oil spill will also have implications for the future of oil production in the United States. Half of the Keystone XL pipeline will be constructed at Welspun Tubular LLC's Little Rock plant.<sup>36</sup> Congressman Tim Griffin, representing both Little Rock and Mayflower, is urging President Barack Obama to approve the Keystone XL Pipeline while pushing a bill in the House Ways and Means Committee to provide tax relief to Northwoods' residents.<sup>37</sup> In January 2014 he said, "modern American pipelines are indisputably the safest way to move the energy resources we all need daily—many times safer than trucks or trains" and, presumably, the outdated pipeline that devastated a Mayflower neighborhood.<sup>38</sup> Plains All American, which was in the news this spring regarding an oil spill in a Los Angeles neighborhood,<sup>39</sup> and Valero Energy Corporation plan to build a pipeline to carry crude oil through Arkansas between Oklahoma and Tennessee.<sup>40</sup> Although the Arkansas Game and Fish Commission has expressed some concern over the so-called Diamond Pipeline Project, the two companies will seek permits from the Arkansas Department of Environmental Quality, the Public Service Commission, and the U.S. Army Corps of Engineers, leaving few avenues for individual Arkansans to use to stop the construction of oil pipelines in the state.<sup>41</sup> Homeowners, doctors, government officials, and all people whose water or property may be affected by new pipeline constructions, would do well to learn from Ms. Jarrell, Dr. Robi, and Attorney General McDaniel on how to handle a crisis and plan for the next big oil spill. As Congressman Griffin learned, "you're never as ready as you think you are."<sup>42</sup>



## Endnotes: When Big Oil Comes to a Small Town: the ExxonMobil Oil Spill in Mayflower in Context

<sup>1</sup> Clifford Krauss, 'Saudi America': *Mirage?*, NY TIMES (April 21, 2014), <http://www.nytimes.com/2014/04/22/business/energy-environment/challenges-lie-ahead-for-north-american-oil-production.html>.

<sup>2</sup> James P. Terry, *Gulf War Syndrome: Addressing Undiagnosed Illnesses from the First War with Iraq*, 1 VETERANS L. REV. 167, 167 (2009) (examining Gulf War Syndrome's symptoms, medical studies, Congressional initiatives, and causation issues).

<sup>3</sup> *Id.* at 177.

<sup>4</sup> *Id.* at 168.

<sup>5</sup> James B. Peake, DEP'T OF VETERANS AFFAIRS, CHARTER OF THE ADVISORY COMM. ON GULF WAR VETERANS (2008), available at <http://www.va.gov/gulf-waradvisorycommittee/docs/Charter.pdf>.

<sup>6</sup> Joanna Zelman, *Gulf Oil Spill Cleanup Workers Report Mysterious Illnesses Year After Disaster*, HUFFINGTON POST (June 18, 2011), [http://www.huffingtonpost.com/2011/04/18/gulf-oil-spill-health-cleanup-workers\\_n\\_850486.html](http://www.huffingtonpost.com/2011/04/18/gulf-oil-spill-health-cleanup-workers_n_850486.html) (detailing ongoing health concerns for BP oil spill workers after one year); see also Dahr Jamail, *Gulf Spill Sickness Wrecking Lives*, AL JAZEERA (Mar. 9, 2011), <http://www.aljazeera.com/indepth/features/2011/03/201138152955897442.html>; Mike Robichaux, *The Three*

continued on page 52

<sup>149</sup> Tatar v. Romania, App. No. 67021/01, Eur. Ct. H.R. (Jan. 27, 2009) (detailing when the ECHR held unanimously that there had been a violation of the right to respect for private and family life of the ECHR on account of the authorities' failure to protect the applicants' rights to a healthy and protected environment).

<sup>150</sup> *Id.*

<sup>151</sup> Godavarman, *supra* note 145.

<sup>152</sup> Godavarman, *supra* note 145.

<sup>153</sup> Hernan Rodriguez, *supra* note 140; *See also* CSJN, *supra* note 142.

<sup>154</sup> PETER P. ROGERS ET AL., AN INTRODUCTION TO SUSTAINABLE DEVELOPMENT 42-47 (2008).

<sup>155</sup> REVENUE WATCH INST., THE 2013 RESOURCE GOVERNANCE INDEX 19 (2013), available at [http://www.revenuewatch.org/sites/default/files/rgi\\_2013\\_Eng.pdf](http://www.revenuewatch.org/sites/default/files/rgi_2013_Eng.pdf) (calling on governments to disclose contracts signed with extractive companies and ensure that regulatory agencies publish timely, comprehensive reports on their operations).

<sup>156</sup> Perspectives Editorial, *Shale Gas Extraction in North Carolina: Research Recommendations and Public Health Implications*, 121 ENVTL. HEALTH PERSPECTIVES 10 (2013), available at <http://ehp.niehs.nih.gov/wp-content/uploads/121/10/ehp.1307402.pdf>.

<sup>157</sup> REVENUE WATCH INSTITUTE, <http://www.revenuewatch.org/issues/projects>; EXTRACTIVE INDUSTRIES TRANSPARENCY INITIATIVE, <http://eiti.org/eiti>; OPEN CONTRACTING, <http://www.open-contracting.org/> (explaining that open contracting refers to norms and practices for increased disclosure and participation in public contracting including tendering, performance and completion); PUBLISH WHAT YOU PAY, <http://www.publishwhatyoupay.org/>.

<sup>158</sup> LEVENTE BORZSAK, THE IMPACT OF ENVIRONMENTAL CONCERNS ON THE PUBLIC ENFORCEMENT MECHANISM UNDER EU LAW 158 (2011).

<sup>159</sup> Tony Carnie, *Secrecy Over Environment Information*, THE MERCURY (Apr. 16, 2012), <http://www.iol.co.za/mercury/secrecy-over-environment-information-1.1276235#.UxY-pcuYZMs>.

## Endnotes: WHEN BIG OIL COMES TO A SMALL TOWN: THE EXXONMOBIL OIL SPILL IN MAYFLOWER IN CONTEXT

*continued from page 36*

*Amigos*, DRMIKEROBI.COM (Apr. 2012), <http://drmikerobi.com/three-amigos-7-minutes—html>.

<sup>7</sup> *See* Jamail, *supra* note 6.

<sup>8</sup> The Ocean Portal Team, *Gulf Oil Spill*, SMITHSONIAN NAT'L MUSEUM OF NAT. HIST., <http://ocean.si.edu/gulf-oil-spill> (last visited March 1, 2014) (presenting BP oil spill as a case study for classroom education).

<sup>9</sup> *Id.*

<sup>10</sup> Mark A. D'Andrea & G. Kesava Reddy, *Health Consequences among Subjects Involved in Gulf Oil Spill Clean-up Activities*, 126 AM. J. OF MED. 966, 966 (2013) (indicating "significantly altered blood profiles, liver enzymes, and somatic symptoms" among oil spill clean-up workers).

<sup>11</sup> Margaret Cronin Fisk & Laurel Brubaker Calkins, *BP Proceeds With Medical-Benefits Pact After Appeal Ends*, BLOOMBERG NEWS (Feb. 13, 2014, 10:54 AM), <http://www.bloomberg.com/news/2014-02-12/bp-proceeds-with-medical-benefits-pact-after-appeal-ends.html> (providing updates of medical-benefits portion of BP oil spill settlement).

<sup>12</sup> Deborah Zabarenko, *U.S. to Study Health Impact of BP Oil Spill*, REUTERS, March 1, 2011, available at <http://www.reuters.com/article/2011/03/01/us-oilspill-health-idUSTRE7205TO20110301> (describing \$34 million, ten-year study of 55,000 clean-up workers and volunteers); *see also* *Gulf Long Term Follow-Up Study*, NAT'L INST. OF ENV'TL HEALTH SCI., <https://gulfstudy.nih.gov/en/index.html> (last visited March 1, 2014).

<sup>13</sup> Tom Young, *The State of the Gulf: BP Oil Spill Beach Pollution Report for Friday, February 28, 2014*, LEGAL EXAMINER (March 1, 2014, 7:50 AM), <http://neworleans.legalexaminer.com/toxic-substances/the-state-of-the-gulf-bp-oil-spill-beach-pollution-report-for-friday-february-28-2014/> (covering daily beach oiling reports issued by the Florida Department of Environmental Protection); Carol Christian, *Study: Tar Balls Found in Gulf Teeming with 'Flesh-eating' Bacteria*, HOUSTON CHRONICLE (Nov. 12, 13, 10:39 AM), <http://www.chron.com/news/houston-texas/houston/article/Study-Tar-balls-found-after-BP-oil-spill-teeming-4977264.php> (reporting on U.S. Centers' of Disease Control and Prevention findings); *see also* Robert H. Weisberg et al., *Did Deepwater Horizon Hydrocarbons Transit to the West Florida Continental Shelf?*, DEEP-SEA RESEARCH PART II: TOPICAL STUDIES IN OCEANOGRAPHY (Feb. 17, 2014), available at <http://dx.doi.org/10.1016/j.dsr2.2014.02.002> (tracking distances covered by Deepwater Horizon hydrocarbons as far as Florida's Sanibel Island).

<sup>14</sup> Benjamin Alexander-Bloch, *Gulf Coast Residents Not Showing Higher Chemical Exposure Post-BP Oil Spill Than Rest of Nation*, TIMES-PICAYUNE (Jan. 28, 2014, 5:21 PM), [http://www.nola.com/environment/index.ssf/2014/01/human\\_health\\_and\\_the\\_bp\\_deepwa.html](http://www.nola.com/environment/index.ssf/2014/01/human_health_and_the_bp_deepwa.html) (providing an update of National Institute of Environmental Health Sciences study); Kashmira Gander, *Dolphins 'Suffering Miscarriage, Lung Disease, Losing Teeth After BP Oil Spill' Researchers Claim*, INDEPENDENT (Feb. 17, 2014), <http://www.independent.co.uk/news/world/americas/dolphins-suffering-miscarriage-lung-disease-losing-teeth-after-bp-oil-spill-researchers-claim-9134045.html> (presenting findings of National Oceanic and Atmospheric Administration research).

<sup>15</sup> David Hammer, *5th Circuit Deputy Clerk: 'Staff Error' Caused Wrong Ruling on BP's Request to Have Full Court Review Oil Spill Settlement*, WWLTV.COM (Feb. 22, 2014, 11:34 AM), <http://www.wwltv.com/news/>

Three-judge-panel-rejects-BPs-attempt-to-have-2010-settlement-reviewed-246520461.html.

<sup>16</sup> Tom Fowler, *BP's New Tactic in Oil Spill Claims: Go After the 'Special Master.'* WALL ST. J., Jan. 27, 2014, 11:02 AM, <http://blogs.wsj.com/corporate-intelligence/2014/01/27/bps-new-tactic-in-oil-spill-claims-go-after-the-special-master/>.

<sup>17</sup> *Exxon Valdez Oil Spill*, NAT'L OCEANIC & ATMOSPHERIC ADMIN., <http://response.restoration.noaa.gov/oil-and-chemical-spills/significant-incidents/exxon-valdez-oil-spill/> (last visited May 16, 2014).

<sup>18</sup> SagibbsVentco, *Mayflower Oil Spill 6 month meeting (Dr Mike Robi prt1)*, YOUTUBE (Sept. 30, 2013), <https://www.youtube.com/watch?v=VlnZcD4QIkq>.

<sup>19</sup> *ExxonMobil Promises to Cover Oil Spill Cleanup Costs in Arkansas*, CNN, (Apr. 3, 2013), <http://www.cnn.com/2013/04/03/us/arkansas-oil-spill/index.html>.

<sup>20</sup> Karen Tricot Steward, *What Does the Mayflower Oil Spill Mean For Central Arkansas' Drinking Water?*, UALR PUBLIC RADIO, (April 5, 2013 4:40 PM), <http://ualrpublicradio.org/post/what-does-mayflower-oil-spill-mean-central-arkansas-drinking-water>.

<sup>21</sup> Pipeline Map, Central North Crude, EXXONMOBIL, [http://www.exxonmobil.com/Images/EMPCo/central\\_north\\_crude2.pdf](http://www.exxonmobil.com/Images/EMPCo/central_north_crude2.pdf) (last visited Mar. 1, 2014).

<sup>22</sup> *Planned Changes to U.S. Crude Oil Pipeline Infrastructure Should Relieve Cushing Bottleneck*, SMART ENERGY UNIVERSE, <http://smartenergyuniverse.com/conventional-energy/12587-planned-changes-to-u-s-crude-oil-pipeline-infrastructure-should-relieve-cushing-bottleneck> (last visited Mar. 1, 2014) (describing responses to oil transport bottleneck created by recent expansion of U.S. oil production including 96,000 barrel per day capacity of reversed Pegasus Pipeline); *ExxonMobil Pipeline Company Expands Capacity on Its Pegasus Pipeline to Gulf Coast Region*, EXXONMOBIL (Jun. 17, 2009), <http://news.exxonmobil.com/press-release/exxonmobil-pipeline-company-expands-capacity-its-pegasus-pipeline-gulf-coast-region> (detailing 50% increase, or 30,000 more barrels per day, from 858-mile Pegasus Pipeline).

<sup>23</sup> *Financials for ExxonMobil Corp. (XOM)*, WALL ST. J., <http://quotes.wsj.com/XOM/financials> (last visited Mar. 1, 2014) (reporting ExxonMobil's latest earnings, income statements, and balance sheet); Steve Coll, *Gusher*, NEW YORKER, Apr. 9, 2012 at 28, available at [http://www.newyorker.com/reporting/2012/04/09/120409fa\\_fact\\_coll](http://www.newyorker.com/reporting/2012/04/09/120409fa_fact_coll) (describing ExxonMobil as a private empire and detailing its lobbying efforts in Washington, D.C.).

<sup>24</sup> American Fact Finder, U.S. CENSUS BUREAU, [http://factfinder2.census.gov/faces/nav/jsf/pages/community\\_facts.xhtml](http://factfinder2.census.gov/faces/nav/jsf/pages/community_facts.xhtml) (search "Mayflower city, Arkansas;" then follow "Income" hyperlink) (last visited Mar. 1, 2014) (providing data from 2010 Demographic Profile).

<sup>25</sup> *Mayflower Oil Spill: One Year Later*, UNIV. OF ARK. CLINTON SCH. OF PUB. SERV., (March 31, 2014), <http://clintonschoolspeakers.com/content/mayflower-oil-spill-one-year-later>.

<sup>26</sup> Sam Eifling, *The Forgotten in Mayflower*, ARK. TIMES (Aug. 8, 2013), <http://www.arktimes.com/arkansas/the-forgotten-mayflower-residents/Content?oid=3007639&showFullText=true> (reporting latest findings of joint investigative project by the Arkansas Times and InsideClimate News funded by \$27,000 crowd-funding campaign); anthropop, *Rod Bryan Plays FBI*



Headquarters in DC, YouTube (Sept. 27, 2013) (calling on FBI to investigate coziness of Arkansas government and ExxonMobil), <http://www.youtube.com/watch?v=TnWaBSUogE>; *Rod Bryan Plays at F.B.I. (alternate take)*, YouTube (Sept. 27, 2013), <http://www.youtube.com/watch?v=wnMflushZ54> (singing a protest song against ExxonMobil); Peter Urban, *Mayflower Residents Oppose Keystone XL Pipeline in D.C.*, ARK. NEWS (May 9, 2013), <http://arkansasnews.com/sections/news/arkansas/mayflower-residents-oppose-keystone-xl-pipeline-dc.html#sthash.Lg7OELXC.dpuf> (reporting on Genieve Long and Damian Byers trip to Washington).

<sup>27</sup> Eifling, *supra* note 26.

<sup>28</sup> Eifling, *supra* note 26.

<sup>29</sup> Eifling, *supra* note 26.

<sup>30</sup> Eifling, *supra* note 26.

<sup>31</sup> *Mayflower Oil Spill: One Year Later*, *supra* note 25.

<sup>32</sup> Elizabeth McGowan, *State Offers Health Screenings for Mayflower Residents*, ARK. TIMES, Sept. 5, 2013, <http://www.arktimes.com/arkansas/state-offers-health-screenings-for-mayflower-residents/Content?oid=3031470&showFullText=true> (describing Arkansas Department of Health response to concerns of Mayflower residents six months after spill).

<sup>33</sup> *Id.*

<sup>34</sup> *Id.*

<sup>35</sup> Sam Eifling, *Persisting Impact of Ark. Oil Spill Tears Community and Family Fabric*, INSIDECLIMATE NEWS (Aug. 8, 2013), <http://insideclimatenews.org/news/20130808/persisting-impact-ark-oil-spill-tears-community-and-family-fabric>.

<sup>36</sup> Press Release, TransCanada, *75 Per Cent of Keystone XL Pipe Would be 'Made in North America'*, (Feb. 17, 2012), available at <http://www.transcanada.com/5951.html> (advising media of sourcing information of Keystone XL pipes).

<sup>37</sup> Press Release, Congressman Tim Griffin, *Griffin Introduces Bill to Provide Tax Relief to Mayflower Victims* (July 22, 2013), available at <http://griffin.house.gov/press-release/griffin-introduces-bill-provide-tax-relief-mayflower-victims> (introducing the Mayflower Oil Spill Tax Relief Act of 2013); H.R. 2724, 113th Cong. (1<sup>st</sup> Sess. 2013) (“exclud[ing] from gross income compensation provided for victims of the March 29, 2013, pipeline oil spill in Mayflower, Arkansas”).

<sup>38</sup> Press Release, Congressman Tim Griffin, *Griffin: Latest Government Review Shows Obama's Blocking of Keystone Pipeline 'Simply Can't Be Justified'*, (Jan. 31, 2014), available at <http://griffin.house.gov/press-release/griffin-latest-government-review-shows-obama%E2%80%99s-blocking-keystone-pipeline-%E2%80%98simply-can> (responding to U.S. Department of State's Final Supplemental Environmental Impact Statement Keystone XL Pipeline).

<sup>39</sup> Steve Gorman & Selam Gebrekidan, *Pipeline Breaks, Spills Crude Oil into Los Angeles Neighborhood*, Reuters (May 15, 2014 6:36 PM), <http://www.reuters.com/article/2014/05/15/us-crude-spill-pipeline-losangeles-idUSBREA4E0BI20140515>.

<sup>40</sup> *A History of Spills*, ARK. TIMES, Apr. 10, 2014, <http://www.arktimes.com/ArkansasBlog/archives/2014/04/08/pipeline-company-that-wants-to-build-line-across-arkansas-has-history-of-safety-violations>.

<sup>41</sup> *Id.* (explaining Arkansas law allows oil companies to use eminent domain to acquire property from Arkansas landowners who refuse to negotiate).

<sup>42</sup> *Mayflower Oil Spill: One Year Later*, *supra* note 25.

---

## Endnotes: ENVIRONMENTAL DISASTERS AND HUMAN HEALTH CONSEQUENCES: A YEAR IN REVIEW *continued from page 42*

[view\\_article\\_content?groupId=4711509&articleId=18516025](http://www.view_article_content?groupId=4711509&articleId=18516025) (last visited Apr. 2, 2014).

<sup>53</sup> *McCory on Defensive Over Coal Ash Spill*, WRAL.COM, Feb. 14, 2014, <http://www.wral.com/mccory-on-defensive-over-coal-ash-spill/13396162/>.

<sup>54</sup> Lauren Compton, *Local Water Supply Protected From Coal Ash Spill*, WAVY.COM (Feb. 4, 2014), <http://wavy.com/2014/02/04/local-water-supply-protected-from-coal-ash-spill/>.

<sup>55</sup> *McCory on Defensive Over Coal Ash Spill*, *supra* note 53.

<sup>56</sup> Biesecker, Michael, *NC Regulators Shielded Duke's Coal Ash Pollution*, ASSOCIATE PRESS (Feb. 9, 2014), <http://bigstory.ap.org/article/nc-regulators-shielded-dukes-coal-ash-pollution>.

<sup>57</sup> Molly Redden, *North Carolina Protected Duke Energy from Pollution Complaints Before the Company's Coal Ash Disaster*, MOTHER JONES (Feb. 10, 2014), <http://www.motherjones.com/blue-marble/2014/02/north-carolina-protected-duke-energy-pollution-complaints-its-coal-ash-disaster>.

<sup>58</sup> *McCory on Defensive Over Coal Ash Spill*, *supra* note 53.

<sup>59</sup> Editorial, *Regulatory Favoritism in North Carolina*, N.Y. TIMES, Feb. 16, 2014, [http://www.nytimes.com/2014/02/17/opinion/regulatory-favoritism-in-north-carolina.html?ref=opinion&\\_r=1](http://www.nytimes.com/2014/02/17/opinion/regulatory-favoritism-in-north-carolina.html?ref=opinion&_r=1).

<sup>60</sup> Craig Jarvis, *Federal Case Looking at Duke Energy and State Regulators Begin to Unfold*, NEWS OBSERVER (Feb. 21, 2014), <http://www.newsobserver.com/2014/02/21/3644540/federal-case-looking-at-duke-energy.html>.

<sup>61</sup> Allan Gerlat, *EPA Sets Date to Implement Coal Ash Waste Disposal Rule Revision*, WASTE360.COM (Feb. 3, 2014), <http://waste360.com/court-cases/epa-sets-date-implement-coal-ash-waste-disposal-rule-revision>.

<sup>62</sup> Sean Cockerham, *Lack of National Coal-Ash Rules Stirs Action*, COLUMBUS DISPATCH, Feb. 27, 2014, [http://www.dispatch.com/content/stories/national\\_world/2014/02/27/lack-of-national-coal-ash-rules-stirs-action.html](http://www.dispatch.com/content/stories/national_world/2014/02/27/lack-of-national-coal-ash-rules-stirs-action.html).

<sup>63</sup> *Id.*

<sup>64</sup> Gerlat, *supra* note 61.

<sup>65</sup> Gerlat, *supra* note 61.

<sup>66</sup> Michael Biesecker, *Lawyer Hired by NC in Spill Probe Represented Duke*, WNCN (Mar. 24, 2014), <http://www.wncn.com/story/25060764/lawyer-hired-by-nc-in-spill-probe-represented-duke>.

<sup>67</sup> *Id.*

<sup>68</sup> Taft Wireback, *Poll Finds Voters Still Worried by Coal Ash, Dan River Spill*, NEWS & RECORD (Mar. 25, 2014), [http://www.news-record.com/news/article\\_a033d77c-b43e-11e3-a726-0017a43b2370.html](http://www.news-record.com/news/article_a033d77c-b43e-11e3-a726-0017a43b2370.html).

<sup>69</sup> *Id.*

<sup>70</sup> *Id.*

<sup>71</sup> Evan Osnos, *Chemical Valley*, THE NEW YORKER, Apr. 7, 2014, available at [http://www.newyorker.com/reporting/2014/04/07/140407fa\\_fact\\_osnos?currentPage=all](http://www.newyorker.com/reporting/2014/04/07/140407fa_fact_osnos?currentPage=all).

<sup>72</sup> Becky Bratu & Henry Austin, *West Virginia Chemical Spill Cuts Water to up to 300,000, State of Emergency Declared*, NBC NEWS, (Jan. 10, 2014), [http://usnews.nbcnews.com/\\_news/2014/01/10/22245996-west-virginia-chemical-spill-cuts-water-to-up-to-300000-state-of-emergency-declared?lite](http://usnews.nbcnews.com/_news/2014/01/10/22245996-west-virginia-chemical-spill-cuts-water-to-up-to-300000-state-of-emergency-declared?lite).

<sup>73</sup> Mark Niquette et al., *West Virginia Spill Prompts Drive for Tougher Regulations*, BLOOMBERG.COM, Jan. 14, 2014, <http://www.bloomberg.com/news/2014-01-14/west-virginia-spill-sparks-drive-for-tougher-chemical-regulation.html>.

<sup>74</sup> Marin Cogan, *How a Toxic Leak Made One Town the Subjects of a Live Human Experiment*, NAT'L J., Mar. 27, 2014, available at <http://www.national-journal.com/magazine/how-a-toxic-leak-made-one-town-the-subjects-of-a-live-human-experiment-20140327>.

<sup>75</sup> Lenny Bernstein, *Chemical Spill into W. Va. River Spurs Closures, Run on Bottled Water*, WASH. POST, Jan. 10, 2014, [http://www.washingtonpost.com/national/health-science/chemical-spill-into-wva-river-spurs-closures-run-on-bottled-water/2014/01/10/a6ec518a-7a0e-11e3-b1c5-739e63e9c9a7\\_story.html](http://www.washingtonpost.com/national/health-science/chemical-spill-into-wva-river-spurs-closures-run-on-bottled-water/2014/01/10/a6ec518a-7a0e-11e3-b1c5-739e63e9c9a7_story.html).

<sup>76</sup> Trip Gabriel, *Thousands Without Water After Spill in West Virginia*, N.Y. TIMES, Jan. 10, 2014, [http://www.nytimes.com/2014/01/11/us/west-virginia-chemical-spill.html?\\_r=0](http://www.nytimes.com/2014/01/11/us/west-virginia-chemical-spill.html?_r=0).

<sup>77</sup> Bernstein, *supra* note 75.

<sup>78</sup> David Zucchino, *West Virginia Spill Criticism Grows Amid New Fear over Tainted Water*, L.A. TIMES, Jan. 31, 2014, <http://articles.latimes.com/2014/jan/31/nation/la-na-nn-west-virginia-spill-criticism-grows-20140131>.

<sup>79</sup> *Water Crisis Not Over After West Virginia Chemical Spill*, HERE & NOW (Apr. 8, 2014), <http://hereandnow.wbur.org/2014/04/08/charleston-chemical-water>; Cogan, *supra* note 74.

<sup>80</sup> Toxic Substances Control Act, 15 U.S.C. § 53 (2014).

<sup>81</sup> *Summary of the Toxic Substances Control Act*, <http://www2.epa.gov/laws-regulations/summary-toxic-substances-control-act> (last visited Apr. 14, 2014).

<sup>82</sup> Cogan, *supra* note 74.