

Executive Orders

EXECUTIVE ORDER MJF 98-1

Mississippi River Corridor Task Force

WHEREAS: it is the duty of the State of Louisiana to protect human health and conserve the environment from adverse effects of commercial and industrial development in accordance with Article IX, §1 of the Louisiana Constitution of 1974;

WHEREAS: the Louisiana Supreme Court has interpreted this constitutional public trust, imposed on all state environmental agencies and officials, as a "rule of reasonableness" which "does not establish environmental protection as an exclusive goal, but requires a balancing process in which environmental costs and benefits must be given full and careful consideration along with economic, social and other factors." *Save Ourselves, Inc. v. La. Environmental Control Commission*, 452 So. 2d 1152, 1157 (La. 1984);

WHEREAS: it is the goal of the State of Louisiana to help its citizens achieve economic self-sufficiency, as that status enhances the individual's sense of personal dignity and pride in community;

WHEREAS: in economically disadvantaged areas of the state, economic self-sufficiency and its enhancing effect on individual personal dignity can be achieved through economic development projects that infuse such areas with commercial and industrial jobs;

WHEREAS: in the past, commercial and industrial development projects have sometimes evoked from citizens environmental justice complaints made pursuant to Title V of the Clean Air Act and/or Title VI of the Civil Rights Act of 1964;

WHEREAS: the citizens of the state of Louisiana are best served by having their human health and environmental protection concerns, including those on disproportionate impact, addressed in a manner that not only protects human health and the environment, but also preserves economic opportunities in economically disadvantaged areas;

WHEREAS: environmental protection concerns about recent commercial and industrial development projects have been raised by citizens who reside in the Mississippi River Corridor, an area spanning both sides of the Mississippi River from Baton Rouge to New Orleans, encompassing 12 parishes which, according to the most recent Louisiana Toxic Release Inventory Report, have the highest amount of permitted releases in Louisiana;

WHEREAS: consistent with the above constitutional duty, it is the goal of the State of Louisiana to minimize disproportionate environmental impact and to afford potentially affected communities and groups the opportunity to voice their concerns about the potential adverse effects which a commercial or industrial development project might have on their community and to have these concerns properly considered; and

WHEREAS: the interests of the citizens of the state of Louisiana would be best served by the creation of a

multi-agency public body charged with identifying the various types of adverse human health and environmental concerns generated by entities seeking permits for future commercial and industrial expansion or development projects, particularly those pertaining to disproportionate environmental impact, and to provide the governor and state agencies with environmental permitting responsibility with objective recommendations regarding the most efficient and effective means to obtain and address public comment on all aspects of future proposals for development or expansion projects, including possible human health, environmental, and economic development issues, along with recommendations as to the resolution of any potentially conflicting concerns;

NOW, THEREFORE I, M.J. "MIKE" FOSTER, JR., Governor of the State of Louisiana, by virtue of the authority vested by the Constitution and laws of the State of Louisiana, do hereby order and direct as follows:

SECTION 1: The Mississippi River Corridor Task Force (hereafter "task force") is established within the Executive Department, Office of the Governor.

SECTION 2: The duties of the task force shall include, but are not limited to, holding public discussions and dialogue regarding the following:

A. identification of the types of adverse human health and environmental issues which may arise as a result of new permit applications to build, construct, or expand a commercial or industrial project;

B. examination of the issue of sustainability of environmental and economic resources, including quality of life and self-sufficiency;

C. development of a system of identification and prioritization of environmental and economic costs and benefits, which the Louisiana constitution requires to be reasonably balanced, that may directly or indirectly result from future proposals for commercial or industrial development or expansion projects, including but not limited to the cumulative chronic emission impact of a project on surrounding communities, the impact of a project on existing infrastructure, industrial support services, and residential and commercial businesses in surrounding communities, and the forecasted workforce and vocational skills training needs of the community which may result from a project's direct and indirect employment needs; and

D. evaluation of existing and potential alternative means to address the concerns of:

(1) communities and citizens residing in the vicinity of the development or expansion project;

(2) the industrial or commercial entity that is proposing the development and/or expansion project;

(3) state and local governments; and

(4) all other persons or entities that are or may be a stakeholder in the outcome of the development and/or expansion project.

SECTION 3: The task force shall submit no less than two written reports to the governor which address the issues set forth in Section 2. The task force shall provide a preliminary report by June 1, 1998, and a final, comprehensive report

containing recommendations by January 31, 1999.

SECTION 4: The task force shall be composed of at least 14 members appointed by and serving at the pleasure of the governor. The membership of the task force shall be selected as follows:

- A. the governor, or the governor's designee;
- B. the secretary of the Department of Environmental Quality, or the secretary's designee;
- C. the secretary of the Department of Economic Development, or the secretary's designee;
- D. the commissioner of the Department of Agriculture and Forestry, or the commissioner's designee;
- E. the secretary of the Department of Labor, or the secretary's designee;
- F. the secretary of the Department of Health and Hospitals, or the secretary's designee;
- G. the chair and three members of the task force on Environmental Protection and Preservation;
- H. the president of the statewide chapter of the NAACP;
- I. a president of a local branch of the NAACP;
- J. a member of a local branch of the NAACP who resides in the corridor; and
- K. a representative of a permitted facility in the corridor who has community outreach experience.

SECTION 5: The governor shall select the chair and vice-chair of the task force from its membership.

SECTION 6: The task force shall meet at the call of the chair.

SECTION 7: Support staff for the task force and facilities for its meetings shall be provided by the Office of the Governor and/or other state agencies.

SECTION 8: Task force members shall not receive compensation or a per diem. Nonetheless, contingent upon the availability of funds, a member who is not an employee of the State of Louisiana or one of its political subdivisions, or an elected official, may receive reimbursement with advance written approval of the Office of the Governor for actual travel expenses incurred, in accordance with state guidelines and procedures, upon the approval of the commissioner of Administration.

SECTION 9: All departments, commissions, boards, agencies, and officers of the state, or any political subdivision thereof, are authorized and directed to cooperate with the task force in implementing the provisions of this Order.

SECTION 10: This Order is effective upon signature and shall continue in effect until its expiration on January 31, 1999, unless amended, modified, terminated, or rescinded by the governor prior to that date, or terminated by operation of law.

IN WITNESS WHEREOF, I have set my hand officially and caused to be affixed the Great Seal of Louisiana, at the Capitol, in the City of Baton Rouge, on this 7th day of January, 1998.

M. J. "Mike" Foster, Jr.
Governor

ATTEST BY
THE GOVERNOR
Fox McKeithen
Secretary of State
9801#054