

SHELTER IN PLACE 48 min

This program includes close captions and an interactive transcript when viewed as part of the Global Environmental Justice Documentaries collection on Docuseek2.

TIMECODE	FORMAT	CONTENT
09:30:00:00		LEADER CLOCK
10:00:00:00	On-Screen Title John Owens (OOV)	[START NON-DIEGETIC MUSIC: "DARK WAS THE NIGHT, COLD WAS THE GROUND"] Shelter in Place How to shelter in place. Go inside a building or vehicle...
10:00:30:00	John Owens (OOV) On-Screen Text	... Close all windows and doors. Turn off all cooling and ventilation systems. Stay off the telephone and listen to your television for more information. The petro-chemical industry has helped make the Texan economy one of the largest in the world
10:01:00:00	George Bush (TV) On-Screen Text	[END NON-DIEGETIC MUSIC: "DARK WAS THE NIGHT, COLD WAS THE GROUND"] "...strategy that we rely on is all based towards that vision of a dream of a truly democratic society emerging. And it's clearly a lack of trust right now." Port Arthur, Texas
10:01:30:00	Julio Zamora Clock Face Latasha Zamora (OOV)	[INAUDIBLE VOICE ON TV] Momma, wash your face. 6:44 Faith, you have dirty clothes in the bathroom.

	<p>Clock Face</p> <p>Latasha (OOV)</p> <p>Faith Zamora (OOV)</p> <p>Julio</p> <p>Latasha</p> <p>Julio</p> <p>Latasha</p> <p>Julio</p>	<p>6:45</p> <p>You guys need some money for school?</p> <p>Yes momma.</p> <p>I want papa – one of papa colognes.</p> <p>You want your own cologne?</p> <p>Yeah.</p> <p>Why, does it make you feel better about yourself when you have cologne on?</p> <p>And a brush.</p>
10:02:00:00	<p>Latasha</p> <p>Julio</p> <p>Latasha</p> <p>Faith</p> <p>Latasha</p>	<p>And a brush?</p> <p>Momma...</p> <p>You smell it all day, fresh. Faith, your turn. Faith, you hear?</p> <p>Yes, momma.</p> <p>Don't get in trouble. ... Go walk on the sidewalk; don't walk in the grass; it's wet...</p>
10:02:30:00	<p>Latasha</p> <p>Latasha (OOV)</p>	<p>... OK, come on. Come on with me.</p> <p>[START NON-DIEGETIC MUSIC: "LETHAL INJECTION (ANW1190/08)" & "SUBSONIX (ANW1038/03)"]</p> <p>You got your seatbelts on?</p>
10:03:00:00	<p>Julio (OOV)</p> <p>Latasha</p>	<p>...zip it up...</p> <p>I see the kids running. You have to, uh, get going, OK, 'cause it's already – we're already a little bit late... Bye, have a good day.</p>

	Faith Latasha	Have a good day, mom. Faith, where's your – oh, you got your back-pack? OK, go ahead.
10:03:30:00	Hilton Kelley (OOV) Hilton (OOV) Hilton	We are literally boxed in. So, no matter where the wind blows, you will get your daily dose of toxic chemicals. [END NON-DIEGETIC MUSIC: "LETHAL INJECTION (ANW1190/08)" & "SUBSONIX (ANW1038/03)"] How many people know a child with acute asthma? Hands down. Benzene, butadiene, hydrogen sulphide, nitrogen oxide...
10:04:00:00	Hilton On-Screen Text On-Screen Text	... We know where it's coming from – we been knowing for years – but we didn't know what to do about it. We didn't understand how these chemicals affected us. [START NON-DIEGETIC MUSIC: "SUBSONIX (ANW1038/03)"] Each year, Texan industry is permitted to emit millions of tons of toxic pollutants into the air. Refineries are also allowed to release thousands of tons more pollutants in 'accidental' or 'unscheduled' emissions every year
10:04:30:00	On-Screen Text Jim Marston	The law defines these as 'upsets'. [END NON-DIEGETIC MUSIC: "SUBSONIX (ANW1038/03)"] The upset law is intended to allow companies to make emergency releases when something unexpected happens – something that cannot be foreseen happens – in order to protect either the safety of workers or the...
10:05:00:00	Jim On-Screen Text Jim	...integrity of the plant. And it would be something that would be unusual, not reoccurring, and something that you couldn't plan against. Jim Marston / Regional Director / Environmental Defense Fund In practice in Texas, what happens is one plant will have the same upset dozens of times in one year.

10:05:30:00	<p>On-Screen Text</p> <p>On-Screen Text</p> <p>Latasha</p> <p>Latasha</p>	<p>[START NON-DIEGETIC MUSIC: “HEAVY CRUDE”]</p> <p>Refineries are not penalised for upsets as long as they are recorded and reported to the authorities.</p> <p>There were 13,350 upsets reported by Texan petro-chemical plants in 2007 / [Latest available figures]</p> <p>Sometimes they have, like, a big old torch out there that goes [IMITATES FLARE] you know, it just blows like that and...</p> <p>[END NON-DIEGETIC MUSIC: “HEAVY CRUDE”]</p> <p>...it looks like it just lights up...</p>
10:06:00:00	<p>Latasha</p> <p>On-Screen Text</p>	<p>...this whole area back here, you know. They’re blowing something, and I guess they’re just, like, letting it go, and it’s – it’s combust or something because it’s fire coming out of there and it’s just like [IMITATES FLARE] like that; it’s that loud. But yeah, there’s days where it’s worse, and sometimes you hear the sirens going off out there – you don’t know if something or someone is hurt, you know; explosions. But yeah...</p> <p>Latasha Zamora</p>
10:06:30:00	<p>Latasha</p> <p>Rev Malveaux (OOV)</p>	<p>They tell us to keep our doors closed and our windows down, but my house is old. You know, it’s going to come through – if it’s going to come through – the cracks in my floors. It gets in the house either way: if it’s the air conditioner’s on, it’s coming through the vents from the air conditioner.</p> <p>Want you to know that we had to fight for our lives.</p>
10:07:00:00	<p>Voice (OOV)</p> <p>Rev Malveaux</p> <p>Voice (OOV)</p> <p>Rev Malveaux</p> <p>Voice (OOV)</p> <p>Rev Malveaux</p>	<p>Uh huh.</p> <p>We have split some atoms and we have refined some petroleum that – that we can’t even detect what it’s doing in the atmosphere.</p> <p>Uh huh.</p> <p>But I know somebody that knows what’s going on.</p> <p>Oh, that’s right.</p> <p>The world may fill us full of toxins. The devil might have meant it for evil.</p>

	<p>Voice (OOV)</p> <p>Rev Malveaux</p> <p>Voices (OOV)</p> <p>On-Screen Text</p>	<p>For evil, come on...</p> <p>But God meant it for the good.</p> <p>Yeah.</p> <p>Reverend Malveaux</p> <p>[SOUND OF CLOCK TICKING]</p>
10:07:30:00	Rev Malveaux	To be blunt, the people are treated like – as if they’re expendable, you know. Uh, in most cases some of the people don’t have a great education. Some of them haven’t been out of their neighbourhood since they were born. And so...when they complain it’s as if nobody hears them. All of the issues in Corpus Christi, Beaumont and Port Arthur...
10:08:00:00	Rev Malveaux	...as well as other places like Texas City are the same; the people are the same; the ethnicity [MISPRONOUNCED] of the people there – they’re African-American; they’re poor; they’re not well educated; and they don’t have any political influence. With all of the federal dollars; state dollars – all of the money that’s generated in that area – there’s no excuse – no excuse – for houses to be lined up...
10:08:30:00	<p>Rev Malveaux</p> <p>On-Screen Text</p> <p>On-Screen Text</p>	<p>...that close to environmental pollution; there’s just no excuse for it.</p> <p>[START NON-DIEGETIC MUSIC: “DARK WAS THE NIGHT, COLD WAS THE GROUND”]</p> <p>In 1911 the city of Port Arthur ruled all its black residents should be moved into the area known as West Side</p> <p>Today West Side communities like Carver Terrace remain predominantly African American.</p>
10:09:00:00	<p>On-Screen Text</p> <p>Wilma Subra</p>	<p>Wilma Subra / Chemical Analyst, former advisor to the Environmental Protection Agency.</p> <p>[END NON-DIEGETIC MUSIC: “DARK WAS THE NIGHT, COLD WAS THE GROUND”]</p> <p>So, here’s Carver Terrace, and right between the apartment complexes you can see the Premcor-Valero refinery. And right in front of us, you see the Motiva refinery. So these...</p>

10:09:30:00	Wilma	...residents and their children are totally exposed to the chemicals being released by the facilities surrounding them. ... This is the worst location they could have possibly found for the playground. When you're standing here, you're getting the emissions from both refineries, depending on the way the wind is blowing. And these are where children actually climb up the slide and come down, and start...
10:10:00:00	Wilma	... breathing really hard so that they're taking in the chemicals and the particles deep into their lungs, and it's having a much greater health impact than if they were at rest, say, sitting in their home or sitting in their yard. So here you've put it right where the most toxic hotspot is. The chemicals in the air in this area consist of benzene and vinyl chloride, which are known human cancer-causing agents. They also consist of 1,3-butadiene and a whole host of volatile and semi-volatile organics. So, on an on-going...
10:10:30:00	Wilma	... basis, these citizens, including the children, are exposed to these very toxic chemicals. And if you look here – this is the general area where we're located – the air emissions from Premcor move into this facility, and then the air emissions from Motiva move into this area. So this area is being bombarded, no matter which way the ambient air is blowing; from this way; from Premcor-Valero; and from Motiva. So these people are constantly being exposed to the chemicals in the air.
10:11:00:00	Zed Wilma Zed Wilma	Would you let your own kids play here? I would not, no – absolutely not. What, even once? No, no. They don't need that added burden. [SOUNDS OF LOUD CAR STEREO AND CHILDREN PLAYING IN CARVER TERRACE]
10:11:30:00	Man in black vest Zed On-Screen Text	That's why – man, I got breathing problems today, man. They always burning something and shit. A lot of people got breathing problems – my little girl, she five months, she got breathing problems. Really? Carver Terrace [SOUNDS OF CHILDREN PLAYING]

	Phillip Baugh (OOV)	...but the servant came and reported these things to the master. Then the master, being angry ...
10:12:00:00	Phillip (OOV) Crowd Phillip Tiffany Baugh (OOV) Phillip (OOV)	...said to his servant, "Go out quickly into the streets and the lanes of the cities, and bring in the poor, and the maimed, and the lame, and the blind." The lord Jesus was a carpenter, and he went to be with the Father, amen? Yeah. And he's building – the word says he's building a house – a mansion for you and I. Anybody need socks? And we got food and potatoes, too.
10:12:30:00	Tiffany (OOV) Tiffany Linda Bressard	Oh yeah, they're all brand new. We're here doing a food distribution, as we do every other Saturday. And when we pulled in, the smell was real strong and real heavy, and, um – in fact my son said, "I can't hardly breathe, mom," and I said, "Well, it's just the refinery, you know." First we was outside, and then we started smelling something – it just came like a heat. And once, uh, we smelled it, we went in the house and, uh, closed up the doors.
10:13:00:00	Tiffany Linda Tiffany Linda	Port Arthur Police pulled in and told us, "You need to leave immediately," and he – there was quite a crowd here that day, and they said, "You all need to all go inside of your houses and close your doors," and, um, "there has been a toxic spill at the refinery." They didn't really know what it was, but they said it could cause breathing problems so just lock up in your house. Before we were able to get our stuff packed up and leave, two ambulances had pulled in for two different households where they were having respiratory distress. People was walking and just falling down...
10:13:30:00	Linda	...passing out. Trying to make it to their house and they was just passing out like flies; just dropping. Babies couldn't catch their breath. Nothing.

	Tiffany	Like I said, that was a Saturday, and by Tuesday there was a gentleman at our church – had come to the church – and asked if he could speak to us; he was from the refinery. And so he offered to pay us at the time \$750 if we would sign a waiver stating that they would be no – in no way, um, liable for any kind of future health issues that may result from, uh...
10:14:00:00	Tiffany Tranada Brown	...spending that much time breathing the – you know, breathing that substance. [SOUND OF NEBULISER] Sit down. Sit down, chick; sit right there. [SOUND OF WALKIE TALKIE – UNINTELLIGIBLE]
10:14:30:00	Fireman Fireman Announcer (OOV)	Can you make anything on that – I can't see shit – can you make anything on that? Negative, not at this time. [SOUND OF WALKIE TALKIE – UNINTELLIGIBLE] Unable to determine anything about the blue container at this time. [SOUNDS OF SIREN/ALARM] This is a...
10:15:00:00	Announcer (OOV) On-Screen Text John	...test only for station one... This is a test only for station one. [SOUND OF WALKIE TALKIE – UNINTELLIGIBLE] Deputy Police Chief Owens / Emergency Management Co-ordinator How to shelter in place. Go inside a building or vehicle. Turn off all heating, cooling and ventilation systems, and listen to your television or radio for more information. Shelter in place is, uh, where we ask the public...
10:15:30:00	John	...to remain indoors. Close all doors; close all windows; turn all, uh, external HVAC devices off; and remain so until it's safe to do so; and tune to uh, the radio, which in our area we have specific designated television and radio networks to give them pertinent information as to the emergency, and for the reason for the shelter in place.

10:16:00:00	Newsreader (TV) TV Voice and Visuals	[SOUNDS OF FOOD FRYING AND NEBULISER] It was a frightening day for dozens of people who live near a Port Arthur refinery. A heavy oil spill at the Valero refinery Saturday sent close to forty people to the hospital. Tonight, those residents met to discuss what went wrong. Almost forty people were taken to the hospital because of what happened throughout west Port Arthur, in particular Carver Terrace apartments.
10:16:30:00	Charles Gilbert	[SOUND OF BIRD] All your other refineries, they're out where no one stays, you know what I'm saying. They're out in the fields and – and pushed back, you know, on landscapes. But this area here? Right there; right by the refinery. They sedate you with the little cheques, you know, and they put you – you know, you put this to the back of your mind for a minute. They give you...
10:17:00:00	Latasha	...you know, tangible resources, in order for you to address your issues, but at the same time the biggest issue is still going on, you know – they're still letting out these pollutants into the community. Valero had a spill last year, and they were offering people money...
10:17:30:00	Latasha Zed Latasha	[SOUNDS OF FAITH AND JULIO PLAYING] ... At that time I was in a financial bind so I did get some money from them, too. It was five hundred dollars for me and my three children, so... And did you have to sign anything to take the money? Yes, I signed something stating that I would not sue them for that particular spill...
10:18:00:00	Latasha	... He had on some brown khakis and a Valero shirt, and he had a little clipboard that he came with, and he asked me how many rooms I had in my home and how much my income was. And the cheque came within about a week or two weeks, just like he said.
10:18:30:00	On-Screen Text	Bill Day, Director of Media Relations / Valero Energy Corporation

	Bill Day	That's a very standard procedure in the legal industry. When you go out and adjust somebody's claim and say, "OK, we have caused you some inconvenience; we may have, uh, caused you to go to the doctor. We're going to take care of that; we will re-compensate [sic] you and pay you something for your inconvenience." That ends their claim.
	Zed	But what if they have...
10:19:00:00	Zed	...long-term effects caused by that chemical release?
	Bill	Well, again, you're talking about a hypothetical – and in this case there was not a level of H ₂ S released that would cause anybody any long-term effects. This was an amount that people obviously noticed; it's very odorous; they got sick to their stomach; they may have had throat irritation or something like that. But again, nothing life-threatening; no serious injuries at all, so there's no lingering healthcare effects from that one rare, brief...
10:19:30:00	Bill	...instance.
	Zed	There seems to be upsets fairly frequently from industry.
	Bill	Well it depends on what you mean by an upset, I mean, there's – Valero and all the refineries have to operate within, um, air quality regulations and we have certain emission regulations that we have to meet. Uh, if there's a process upset where something – not serious to the community – but something goes awry with the process um, typically what happens is...
10:20:00:00	Bill	...some material is sent to a flare and it's ignited – that's a safety device, actually; you'd rather have that stuff burned off than to have pressures build up and have things back up and so forth. So anything that's flared has to be reported to the state – the Texas, uh, TCEQ?
	Morris Carter	TCEQ.
	Bill	Um, the state tracks all that stuff. That counts as an upset but very rarely do any of those have any impact at all in the community. That material is safely combusted; goes off into the air...
10:20:30:00	Bill	...it's something that has to be reported but not anything that anybody would even notice unless they saw the actual flare. [START NON-DIEGETIC MUSIC: "DARK WAS THE NIGHT, COLD WAS THE GROUND"]

	<p>On-Screen Text</p> <p>On-Screen Text</p> <p>On-Screen Text</p> <p>Alfred Williams</p>	<p>Corpus Christi, Texas / 320 miles from Port Arthur</p> <p>Alfred Williams has logged the ‘upsets’ from his local refinery for 10 years.</p> <p>They had over 70 ‘upsets’ in a single year</p> <p>[END NON-DIEGETIC MUSIC: “DARK WAS THE NIGHT, COLD WAS THE GROUND”]</p> <p>There was a very large flame of fire...</p>
10:21:00:00	<p>Alfred</p> <p>Zed</p> <p>Alfred</p>	<p>...and hollering cloud of black smoke coming out of the flare. This went on late into the night. Could not sleep for – because of the noise and roaring sound. Like I say, my – even my grandkids, my daughter, my children lived – they all have some sort of respiratory problems.</p> <p>Do they?</p> <p>To this day. They say, in America, if you work hard and keep your nose clean, you can move up. I’ve done all that...</p>
10:21:30:00	<p>Alfred</p>	<p>... Never been on welfare; served my country in the military – you name it; I done it. And at the end of the day, here I am, you know...right here, stuck in a place where nobody would like to be. ... The average person doesn’t have the kind of finance to fight these people fifteen, twenty years to win a case. You don’t have it and they know it, so all you do...</p>
10:22:00:00	<p>Alfred</p> <p>On-Screen Text</p> <p>On-Screen Text</p> <p>Alfred</p>	<p>...is you’re like a tumbleweed – just finally blow away. You can fight something for twenty years and still lose at the end of the day; you still lose in court. And they say justice been served – you lost.</p> <p>Alfred Williams fought a legal case against his local refinery.</p> <p>After six years his lawyers advised him to accept a confidential out of court settlement</p> <p>That’s the way it is in this country. The big and the powerful – they pretty much get what they want...</p>
10:22:30:00	<p>Alfred</p> <p>On-Screen Text</p>	<p>...and they pretty much do what they want. If I was doing some of the things they was doing, they’d have been to snatch me up a long time ago.</p> <p>Mr Williams still cannot afford to move</p>

	<p>Alfred</p> <p>Zed</p> <p>Alfred</p>	<p>I been in there roughly, already, almost forty years.</p> <p>And you were here before them?</p> <p>Oh, way – I was here way before they ever even thought about moving here. When I moved here there was nothing but a few homes across the road and this company right across the street there. That was it. And – and all of a sudden – boom. And there were people like, “Why don’t you move? Why did you buy in...</p>
10:23:00:00	<p>Alfred</p> <p>Archive Voice (OOV)</p>	<p>...buy property next to a refinery?” I said, “I didn’t buy next to a refinery. They bought next to me.”</p> <p>Fellow Americans, consider the ranges of Texas. Her open spaces; her crowded places; her western faces. How peaceful, the ranges of Texas. Here at Port Arthur, Texas, near Louisiana and the sea, 46,000 Texans say...</p>
10:23:30:00	<p>Archive Voice (OOV)</p> <p>Archive Voice 2 (OOV)</p>	<p>...“We oil the world.” Proud of the Lone Star State. Young city going places. War on the pleasure pier. College girls swimming.</p> <p>This is the way they preserve the big crop of peaches down in Port Arthur, Texas – they pour them into tins then seal them well. It’s all part of a huge high jinks at the largest oil refinery in the nation.</p> <p>[START NON-DIEGETIC MUSIC: “UP CAME OIL”]</p>
10:24:00:00	<p>Hilton Kelley (OOV)</p>	<p>[END NON-DIEGETIC MUSIC: “UP CAME OIL”]</p> <p>[START NON-DIEGETIC MUSIC: “BACK CANYON (ANW1086/01)”]</p> <p>This is where Ray Charles performed, this used to be Antoine’s Auditorium. Al Green...</p>
10:24:30:00	<p>Hilton (OOV)</p> <p>Hilton</p> <p>John Owens</p>	<p>...James Brown; all the greats right here in Port Arthur.</p> <p>One day I was at the Mardi Gras in 2000, and I looked around and went, “Wait a minute – this town is devastated. Where are all the businesses; where did all the people go?”</p> <p>My wife used to come down here; uh, shop on the weekends with mom and dad and they’d go to the, uh – in fact, it was Grant’s, I think it was, and there was another...</p>

10:25:00:00	John Latasha Zamora	...Bluestein's. And they would eat, get a soda and get an ice cream cone, you know, the – the things kids did back then. [END NON-DIEGETIC MUSIC: "BACK CANYON (ANW1086/01)"] I've always remembered the refineries. As a child we used to play and throw rocks in the ditch across the street...
10:25:30:00	Latasha Latasha	... Yeah. My grandmother, she stays, uh, two blocks down from me. She has, uh, emphysema. I don't know if it's due to her living in this area or the job she had when she was young. [FAITH MUMBLES] My cousin actually works in the refinery...
10:26:00:00	Latasha Zed Latasha	... It worries me because my children are breathing it – even we're sleeping, the air's coming through the windows and stuff like that. But I can't afford to do better so we have to make with what we have and be thankful. Do you think it affects the kids in any way? Uh, yeah, we always have, like, a – a sinus thing going on with our nose...
10:26:30:00	Latasha On-Screen Text Don Maierson	...or a little cough. But most of the time they do good 'cause we take vitamins. In 2004 the Texas supreme court made a decisive ruling that made it harder for long-term residents to sue industry for damages What the Supreme Court of Texas did in the Schneider v Bates opinion...
10:27:00:00	Don On-Screen Text Don	...has literally thrown out most of the law that we have utilised over the last hundred and forty years to prosecute these kind of cases. Don Maierson / Attorney They have held, as a matter of law, that if an adult individual lives in a neighbourhood more than two

		years before he brings his case, that he is barred by the...
10:27:30:00	<p>Don</p> <p>Tom Pearson</p> <p>On-Screen Text</p> <p>Tom</p>	<p>...statute of limitations from ever bringing a claim against these refineries. Tom would like to just say a few words.</p> <p>Well, I'm glad Don let me speak last for the people that were willing to stay.</p> <p>[APPLAUSE]</p> <p>Tom Pearson / Attorney</p> <p>This is the group...</p>
10:28:00:00	<p>Tom</p>	<p>...that will clean west Port Arthur up. You got to give a darn. This opinion will not stop this community from getting environmental justice if the community wants it.</p> <p>[APPLAUSE]</p>
10:28:30:00	<p>Tom</p> <p>Hilton (OOV)</p> <p>Tom</p> <p>Hilton (OOV)</p> <p>Tom</p> <p>Leah (Tom's secretary)</p>	<p>Isn't there a book that says, "The little children will lead them"?</p> <p>That's right, amen.</p> <p>And the young adults and the children – they will provide the ammunition, if you will, that Don and I need to take these people down.</p> <p>All right.</p> <p>[APPLAUSE]</p> <p>This is the Roosevelt subdivision.</p> <p>And then there should be a Roosevelt, uh, [UNINTELLIGIBLE].</p>
10:29:00:00	<p>Tom</p> <p>Zed</p> <p>Tom</p>	<p>There is.</p> <p>So is that your strongest case, uh, for the kids at the moment?</p> <p>Yes, without a doubt, because the statute of limitations never runs on a child until two years after his</p>

	Leah Tom	18 th birthday, so it's irrelevant – the Schneider opinion is irrelevant to these 2300 – how many are there? 2,376. We have...
10:29:30:00	Tom Zed Tom	...2,376 children to which the opinion does not apply. What's the case for the kids at the moment? Well, diminished lung capacity; nuisance; trespass; uh, loss of use and enjoyment of their property at home – the same as it would have been for the adults.
10:30:00:00	Hilton Kelley On-Screen Text Hilton	There have been some legal battles won but most of the time, the residents will walk away with maybe four or five hundred dollars a piece and the attorneys get the bulk of the money as usual. Hilton Kelley / Community leader What we're waging is a different type of lawsuit. This lawsuit is trying to achieve getting...
10:30:30:00	Hilton	...clean air once and for all for the community. And if anybody want to challenge what I'm saying, they have my best wishes and hopes that they would come out to Port Arthur and dig through the – our archives, and look at the upset records of many of these facilities, and look at the high levels of emissions for themselves, on how much they're dumping on us per year. And then answer the question for yourself: would you want to live in a community like this; and if you did, wouldn't you stand up and fight for your right to breathe...
10:31:00:00	Hilton Tom	...clean air? It's everybody's God-given right to breathe free, uncontaminated, clean air. [START NON-DIEGETIC MUSIC: "HEAVY CRUDE"] [END NON-DIEGETIC MUSIC: "HEAVY CRUDE"] There are essentially three kinds of emissions coming off of these refineries. There are permitted emissions; that is, those that are allowed under a permit...
10:31:30:00	Tom	...which is sought and granted. There are fugitive emissions; that is that coming out of a, uh, a bad

		seal. No one knows how much of that there is. And then there are upset events, and there's no rule or law about what is too many upset emissions...
10:32:00:00	Tom Wilma Subra	... So, not only do they have a quantified legal amount; in practical effect they have a limitless legal amount. The refineries will tell you they're doing all that they possibly can to reduce their emissions but in reality they're only doing what the regulatory process requires them...
10:32:30:00	Wilma On-Screen Text Zed	...to do in order to get their permits. So when they tell you, "Don't worry, we're doing everything we can," they are in fact not. They're not doing it on behalf of the community; they're doing it on behalf of the corporation. Joe Arnold / Elected spokesman / Port Arthur petro-chemical industry One of the criticisms I've heard is the petrochemical industry in Port Arthur have been reluctant to spend...
10:33:00:00	Zed Joe Arnold	...money on the best pollution control technology; that they've been sort of dragging their heels. I don't think so, or if that was the case, I don't believe we would have come off of, uh, our non-attainment status and I don't think we would have seen the amount of reductions that we've had over the last, uh, ten to fifteen years. I think you've seen a tremendous investment by industry in those processes and in those technologies to be able to do that. I think that they've been very responsive as an industry.
10:33:30:00	Zed Joe	The benzene emissions in Port Arthur increased from 197 thousand pounds in 2005 to 267 thousand pounds in 2006, which is a 36% increase. Now, benzene is a known carcinogen – is this a concern to you as a spokesman of this industry? You know, absolutely it is, um, and we take, uh, we take it very seriously. People need to understand that, uh, that...
10:34:00:00	Joe	...I live and work in this neighbourhood, too. Um, I work in these facilities every day – I don't want to be exposed to a known carcinogen. Uh, so we take those, uh, responsibilities very seriously to, um, to contain those chemicals, and to, uh, to make sure that any release is mitigated as soon as possible.

	Zed	We went down to Carver Terrace, which might be out of your kind of remit. People there, you know, really complain about...
10:34:30:00	Zed	...breathing what they believe is bad air, um, and tests have shown that, you know, there are sort of elevated levels of benzene, sulphur dioxide, hydrogen sulphide and butadiene. Do you think that there is a connection between high rates of respiratory disease, um, childhood asthma, and toxic chemicals which are released into the air?
10:35:00:00	Joe	You know, um, you were right on your first statement that, uh, Carver Terrace is a long way away from here and that, uh, their, um, their fence line, uh, with Valero and Motiva, and I'd have to let them answer questions about that. But, to the bigger question that you ask, um, I really don't know; I'm not a physician; I don't know what the, um, I don't know what the direct effects are, and so I'd have to let you ask somebody else that question – I just really don't know.
10:35:30:00	Bill Day	We would not discount anybody's concerns about living by the refineries, um, but, by all means, they should, uh, talk to us. We do have outreach programmes to help alleviate their concerns. Uh, we will contact them; we talk to people through our community advisory board and our community advisory panels, and, um... You know, we do what we can to alleviate people's concerns because we know they're going to have concerns.
	Zed	But how can you truly...
10:36:00:00	Zed	...alleviate someone's concern if you haven't got the facts that it definitely doesn't cause them any damage?
	Bill	I – I'm...are you asking us to prove a negative that, you know, this won't do you any harm? Everything that we have – every piece of evidence shows that the air quality around the refinery is good and does not cause people harm; nothing in the air would cause anybody any long-term, lasting health effects – and, you know, except on very, very rare occasions...
10:36:30:00	Bill	...doesn't cause them any short-term health problems either. [START NON-DIEGETIC MUSIC: "THE JUDGEMENT AT MIDNIGHT"]

10:37:00:00	On-Screen Text On-Screen Text Tom Pearson	Tom Pearson's legal case on behalf of the Port Arthur children was against numerous local refineries. Some offered early out of court settlements [END NON-DIEGETIC MUSIC: "THE JUDGEMENT AT MIDNIGHT"] Everything went, uh, our way. The judge, uh, approved, uh, the settlements, which, uh, is a large number, uh...
10:37:30:00	Tom	...for, uh, the liability of those defendants, uh, that we were, uh, talking with. And, uh, we have set a hearing for the 29 th of March, which I think is going to be the turning point in the litigation, and I had an opportunity today to say what I needed to say to the judge, uh, about all of those issues. And I did it...
10:38:00:00	Tom	...in such a way that the defendants didn't have a chance to respond. So, uh, I'm very pleased with the way that worked out. Where is the litigation standing as a result of this hearing today? Uh, it's well financed; uh, it's vibrant. Ultimately the result here is going to be that these children are all going to be paid fair amounts of money, and that these refineries are going to be forced to operate in such a way that they no...
10:38:30:00	Tom Barack Obama (TV) Rev Malveaux	...longer emit these substances causing the foul odours out in these communities. [START NON-DIEGETIC MUSIC: "DARK WAS THE NIGHT, COLD WAS THE GROUND"] [FAINTLY AUDIBLE] ...at this defining moment, change has come to America... Only little "Dubya"...
10:39:00:00	Rev Malveaux Alfred Williams	[END NON-DIEGETIC MUSIC: "DARK WAS THE NIGHT, COLD WAS THE GROUND"] ...only George Bush could have done in eight years what civil rights couldn't do in a hundred years, and that is help a black man become president. What do you think of that? [SOUNDS OF CHILDREN PLAYING] My wife, she heard me jumping in the house and she jumped up and said, "What's wrong with you?!" And I said, "Well, Obama won." And we had a great time...

10:39:30:00	Alfred	...we just prayed and thanked God that he – that he did. And, so, I cried because I thought about all the, uh...tough times that I had, but it were worth it. Only in America a change can come. And that's why I know – like this over here, I might not see it but change is going to come where people going to be held accountable for what they do...
10:40:00:00	Alfred	...to other people. And...takes a while sometimes but right's going to win over wrong, I know that. [SOUND OF DOG BARKING] [START NON-DIEGETIC MUSIC: "HEAVY CRUDE"]
10:40:30:00	Tom Pearson On-Screen Text	[FAINTLY AUDIBLE] ...still the same number, isn't it? ... The law suit never made it to trial. In October 2008 the case was thrown out of court. [SOUND OF DOOR CLOSING]
10:41:00:00	On-Screen Text On-Screen Text On-Screen Text	[END NON-DIEGETIC MUSIC: "HEAVY CRUDE"] The judge ruled it was impossible for the children to prove their health claim The funds from the earlier settlements are currently at the centre of competing legal claims. None of the children will receive any money [START NON-DIEGETIC MUSIC: "DARK WAS THE NIGHT, COLD WAS THE GROUND"] [SOUNDS OF NEIGHBOURHOOD CHATTER]
10:41:30:00		[SOUNDS OF NEIGHBOURHOOD CHATTER / GV's OF REFINERIES AT NIGHT]
10:42:00:00	Eric Schaeffer	My dream is to move a refinery to Bethesda in the Washington, DC area – it's the suburb where a lot of the lobbyists and lawyers live...
10:42:30:00		[END NON-DIEGETIC MUSIC: "DARK WAS THE NIGHT, COLD WAS THE GROUND"]

	Eric	...because I think the regulations we'd have in the US would get so much stricter after a few days of exposure to these upsets which "cause no harm." Um, people just wouldn't tolerate them.
	On-Screen Text	Eric Schaeffer / Former Director of Regulatory Enforcement / Environmental Protection Agency
	On-Screen-Text	[Resigned 2002]
	Eric	The upset can release more emissions in a few days than would come out of normal operations for an entire year...
10:43:00:00	Eric	... So, you can't look at refinery emissions, and you can't look at risk without looking at those upsets and asking, you know, what happened; how much came out into the environment and what was the impact on the community. When challenged, the industry's defence is: "Uh-oh, it's an upset." Refineries leak a lot more pollution than we thought, and the primitive calculations that we do to try to guess what those...
10:43:30:00	Eric	...emissions are way understate what is actually coming out of these refineries. If you look at the toxics data that's reported to EPA, the massive toxic emissions from the industry as a whole has been declining - the emissions of cancer-causing chemicals have actually increased in some years and, overall, we're seeing more of a flat line. And we really have no idea...
10:44:00:00	Eric	...what it means to be exposed to this cocktail of chemicals that, um, that you live with and breathe in if you're in a refinery community. Now, the industry will say, "We don't know," and that means everything's fine, right? Uh, I think it's more honest to say, "We don't know." And my instinct is if I think about my children - and I have three - and I've got waves of chemicals coming at them, um - I don't know...
10:44:30:00	Eric	...how it's going to affect them, but if it's all the same to you, until we find out, I'd rather not have them exposed.
	Julio Zamora	Mom, how do you spell "earth"?
	Latasha Zamora (OOV)	E-A-R-T-H. Where's your dictionary?
		[START NON-DIEGETIC MUSIC: "HEAVY CRUDE"]
	Julio	I got it.

	Faith Zamora	F...
10:45:00:00	Faith Latasha (OOV) Faith Latasha (OOV) Latasha Latasha (OOV)	...A-S-T Spells what? Not “slow” but...? Fast? Say it again. The map shows that the state of Virginia is what, Julio? To the – please don’t put it on there. I didn’t hear anybody say blessings.
10:45:30:00	Faith Latasha (OOV) Julio	God is great; God is good, let us thank him for our food, amen. Julio? I said “amen.” [SOUND OF HISSING PIPE] [SOUND OF AIR CONDITIONER] [SOUND OF HISSING PIPE]
10:46:00:00	Julio (OOV) On-Screen Text On-Screen Text On-Screen Text	Goodnight. [SOUND EFFECTS: THUNDER AND RAIN] [END NON-DIEGETIC MUSIC: “HEAVY CRUDE”] In December 2008, a Washington DC court ruled to close the ‘upset loophole’ in the USA. Industry is has appealed to the Supreme Court to reverse the decision. Meanwhile the ‘upsets’ continue... [START NON-DIEGETIC MUSIC: “DARK WAS THE NIGHT, COLD WAS THE GROUND”]

<p>10:46:30:00</p>	<p>On-Screen Text</p> <p>On-Screen Text</p>	<p>The Port Arthur petro-chemical industry says it uses the best available technologies to monitor emissions and it's the job of Texas regulators to set standards which the industry follows.</p> <p>Motiva Port Arthur Refinery says it has taken strategic steps for over a decade to reduce emissions and improve air quality.</p> <p>They claim their future improvements will increase production whilst lowering most types of emissions.</p>
<p>10:47:00:00</p>	<p>Credits</p>	<p>Filmed and Directed by ZED NELSON</p> <p>Producer HANNAH PATTERSON</p> <p>Film Editor JOHN MISTER</p> <p>—————</p> <p>Executive Producers SARAH TIERNEY STEVE BOULTON KATIE BRADFORD</p> <p>Assistant Producer CARINA WILSON</p> <p>Production Assistants MARTIN McGALE CAROL COOKE</p> <p>—————</p> <p>Additional Camera ADAM JEPPESEN JAY OLIVIER</p> <p>Sound CLARE EDMANS</p>

		<p>Online Editor SUE GIOVANNI</p> <p>Dubbing Mixer JEZ FODEN</p> <p>Titles MARC KNAPTON</p> <hr/> <p>“DARK WAS THE NIGHT, COLD WAS THE GROUND” Written by Blind Willie Johnson Publishing by Storm King Music Inc Used by permission of Harmony Music Ltd</p> <p>“THE JUDGEMENT AT MIDNIGHT” Gary Lucas Music</p> <p>“HEAVY CRUDE” Little Timmy</p> <hr/> <p>Associate Producers MONOCLE FILMS BOB BORZELLO DIONNE & IAN GORST DENISE PATTERSON HARRY PATTERSON LOUISE RICHARDSON</p> <p>Thanks to JAN TOMALIN REBECCA DAWKINS JENNY LEASK SAROJ NELSON AMY PATTERSON PHIL PEACOCK DUNJA SELBACH</p>
10:47:30:00	Credits	With special thanks to the residents of Port Arthur and Mr Alfred Williams

	<p>Ident Moving Ident</p>	<p>Filmed on location in Port Arthur and Corpus Christi, Texas, 2004 to 2008</p> <p>[INDIEGOGO LOGO]</p> <p>[END NON-DIEGETIC MUSIC: "DARK WAS THE NIGHT, COLD WAS THE GROUND"]</p> <p>CHANNEL 4 BRITDOC FOUNDATION</p> <p>CLARITY PRODUCTIONS</p> <p>© Clarity Productions Ltd 2009</p> <p>END</p>
--	-------------------------------	--