

UNWAVERING ENVIRONMENTAL ADVOCACY

for overburdened communities in unprecedented times



Tulane Environmental Law Clinic
Academic Year in Review 2019–2020

From the Director

Dear Friends,

With the emergence of the COVID-19 pandemic during the 2019-2020 academic year, we faced unprecedented challenges to our client representation and legal education. Like many of you, we worked to quickly adapt to the challenges of quarantine, finding new ways to safely and effectively advocate for our clients. Yet, for many of our client communities, the struggle of quarantine has been compounded by the realities of systemic racism and social inequality. Like Hurricane Katrina 15 years ago, COVID-19 has exposed longstanding injustices in Louisiana's black communities.



As media outlets have focused increasing attention on air pollution as a risk factor for COVID-19, Louisiana's Cancer Alley has returned to the national spotlight. Black communities in Cancer Alley - and in other parts of Louisiana like Mossville and Gordon Plaza - are overburdened with toxic pollution. But the growing national consciousness of environmental justice brings some new hope. Earlier this month, a Baton Rouge court affirmed the longstanding claims of fenceline communities that environmental racism exists and operates in Louisiana. In a poignant and powerful statement, the court admonished the Louisiana Department of Environmental Quality (LDEQ) over the agency's failure to address environmental racism. This statement - unprecedented in our state's history - came in response to a motion the Clinic filed in a lawsuit opposing the construction of a massive new petrochemical facility in St. James, in the heart of Cancer Alley. The site of this facility, proposed by Formosa Plastics, is just a few miles upriver from the planned location of the Shintech PVC plant, which we successfully battled back in the mid-90's, despite obstacles and retaliation imposed by political leaders in our state. Thus the court's ruling, excerpted here, both reaches back decades and speaks loudly to those responsible for today's injustices.

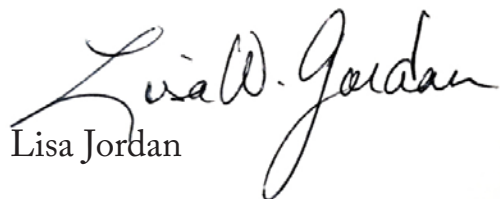
“Inherent, in the court’s opinion, in a robust environmental justice analysis is the recognition that environmental racism exists, and that environmental racism operates through the state’s institutions.”

“IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that . . . the issue of pollution and health risk is remanded to LDEQ for a more thorough environmental justice analysis.”

Honorable Trudy M. White, 19th Judicial District Court, Baton Rouge, LA, *RISE St. James v. Louisiana Department of Environmental Quality (LDEQ)*, Case No. 694029. Ruling on *TELC Motion on behalf of Beverly Alexander for Judicial Notice of Adjudicative Facts and to Admit Proof of Procedural Irregularities* (Nov. 18, 2020) and corresponding written judgment (Dec. 14, 2020).

This report shares our work over the past academic year, a time when environmental health is in the public spotlight and marginalized communities need advocates more than ever. We thank the many people who have supported these efforts, and we wish you and your loved ones a safe and healthy New Year.

With gratitude,


Lisa Jordan

Student Attorneys

Since 1989, Tulane Environmental Law Clinic has provided free legal representation and community-based outreach to citizens and organizations facing environmental challenges and has graduated more than 700 law students. For many students, the Clinic program is transformative and represents their first professional experience with people who are faced with poverty and systemic discrimination.

The Clinic has helped to train hundreds of lawyers who have gone on to successful careers in the federal government, state agencies, non-profits, and private practice. While not all of our students continue to practice environmental law, they all benefit from their work here ‘in the trenches,’ with a greater understanding of environmental issues and, in particular, a deeper appreciation of the courage and humanity of impoverished people fighting for environmental justice.

764 Student attorneys
graduated since 1989

ALUM SPOTLIGHT



Whit Davis

District Court Judge, Forsythe County, NC

TELC Class of 2011

“As a student-attorney at TELC, I represented several groups that were fighting the Industrial Canal Lock Replacement Project - an unnecessary, costly, & environmentally irresponsible project pushed by the U.S. Army Corps of Engineers. By discovering and highlighting the legal problems with the project, our legal team secured an injunction in federal court that halted the project until it complied with the law. It was this work helping people with legitimate legal concerns, but who could not afford to pay for legal counsel, that later encouraged me to become an assistant public defender when I returned home.”



Class of 2019-2020

Students

FALL 2019

Mathias Bartlett, Annie Blanc,
Paul Brazil, Adrianna Culbreth,
Lisa Diaz, Taylor Dunne,
Chandler Farnworth, Anna Ferriera,
Kelsey Johnson, Chiara Kalogjera-
Sackellares, Megan Kilmer,
Zachary LaMachio, Dalton Luke,
Chad Morabito, Austin Pratt,
Nadia Samman, Daniel Schwank,
Margaret Stando, Amanda Taylor,
Max Williamson, Simon Willis,
Xingwei Zhou

SPRING 2020

Rosa Acheson, Mark Allain,
Mathias Bartlett, Paul Brazil, Lisa Diaz,
Tu Huynh, Blair Johnson,
Kelsey Johnson, Chiara Kalogjera-
Sackellares, Dalton Luke,
Chad Morabito, Anouk Nouet,
Austin Pratt, Katie Ricks,
Nadia Samman, Demi Schilleci,
Julie Schwartzwald,
Manuel Diego Soza, John Wilbur,
Charles Lee Wingard, Xingwei Zhou

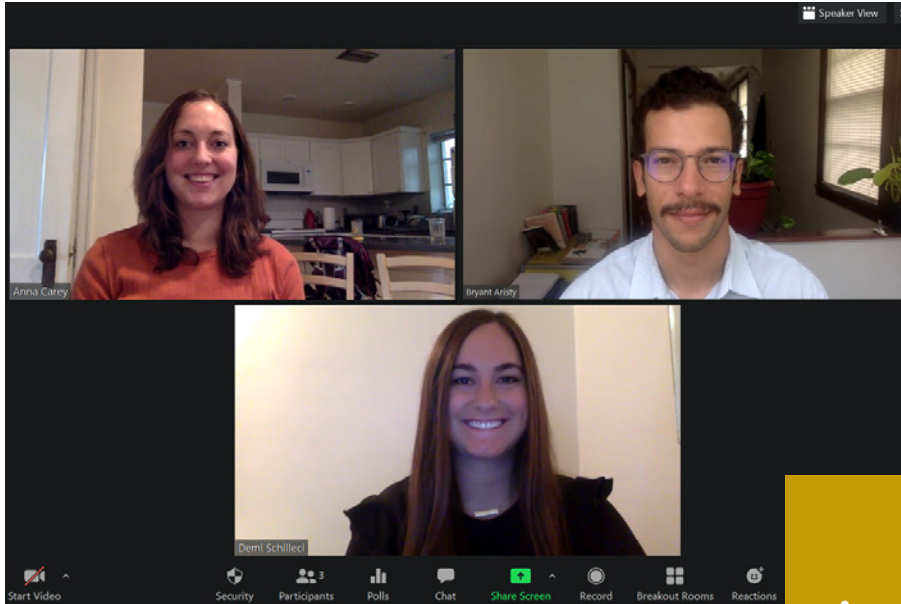


Fall 2019 students at swearing-in by Justice Crichton at the Louisiana Supreme Court in September 2019.

Swearing In

Each fall, at the Louisiana Supreme Court, our student attorneys swear to work toward the interests of justice, enabling them to legally represent indigent clients.

Research Assistants & Interns

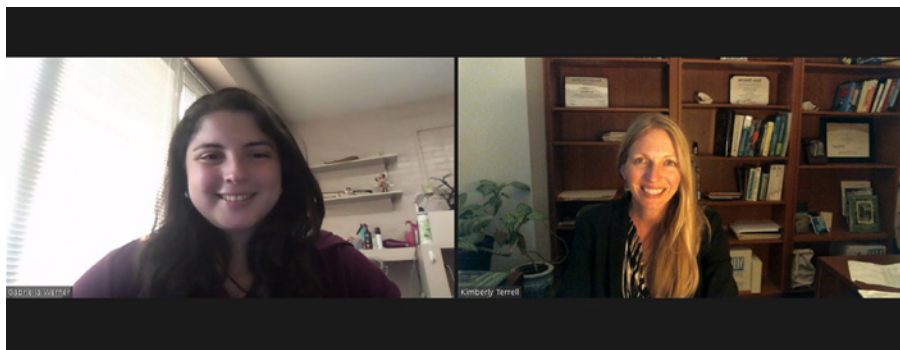


Environmental challenges don't follow academic calendars, and many of our cases continue beyond the end of the school year. Summer Research Assistants help to keep cases moving between semesters. Most of our Research Assistants are rising second-year students at Tulane Law School and, through this internship experience, gain valuable foundational knowledge of environmental law. On average, half of our Research Assistants subsequently enroll in the Clinic.

SUMMER 2020 RESEARCH ASSISTANTS:

Anna Carey, Bryant Aristy, and Demi Schilleci (clockwise, from top left)

111 research assistants & interns mentored since 2002.



Summer interns assist the Community Outreach Program, providing support for the clinic's educational and capacity-building activities that promote environmental justice. Interns are typically Tulane undergraduates and may receive academic credit for their work, in addition to gaining fundamental skills (e.g., research, communication) that are broadly applicable across different career paths. For some undergraduates, the internship is a deciding factor of whether to pursue law school.

SUMMER 2020 INTERN: Gabriella Werner (pictured on left, meeting with TELC Director of Community Outreach, Kimberly Terrell, on right)

Fall 2019



ABOVE: Student attorneys Paul Brazil (far left) and Lee Wingard (far right) meet with clients in the Open Meetings lawsuit against St. James Parish (see Ongoing Work). Also pictured are Lisa Jordan (TELC Director, center), Kimberly Terrell (Director of Community Engagement, second from left), and Lauren Godshall (Supervising Attorney, second from right).

RIGHT: Student attorneys Austin Pratt (left) and Xingwei Zhou (right) with a TELC client at a New Orleans City Council meeting in November 2019. Xingwei urged the city to clean up a former waste incinerator site near his client's home.

Although the Fall 2019 semester had its own challenges, we never imagined what the Spring 2020 semester had in store. While we miss the face-to-face interactions with our clients, our student attorneys have continued to advocate effectively for them - working from home, testifying at remote hearings, and "masking up" for in-person hearings. We hope things get back to normal in 2021, but we're prepared to continue our remote and socially distanced advocacy as long as necessary.



Spring 2020



ABOVE: Student attorney Jack Wilbur (right) with supervising attorney Devin Lowell after arguing before the 32nd Judicial District Court in Terrebonne Parish in an ongoing Open Meetings lawsuit about a hazardous waste facility in Gibson, LA.



ABOVE: Supervising attorney Lauren Godshall (center) takes notes as student attorney Julie Schwartzwald (left) practices an oral argument for the Formosa Plastics case during a hybrid (Zoom/in-person) TELC class.

BELOW: Student attorney Nadia Samman working from home in the initial days of quarantine.



Clean Water Act Settlement Ensures Proper Pollution Limits for Sewerage Treatment Plants across Southeast Louisiana

May 8, 2020

In a victory for Louisiana's waterways and the people that enjoy them, we settled a lawsuit against the Louisiana Department of Environmental Quality (LDEQ) over its Order exempting 134 sewerage treatment facilities from legal requirements. The LDEQ's Order allowed a private entity to operate the 134 newly-purchased sewerage treatment facilities for about 2 years without numeric limits on the discharge of pollutants, including fecal coliform, while the entity evaluated the facilities' compliance issues. The settlement ensures that pollutants from these 134 plants will be limited and removes a key loophole from LDEQ's Order while maintaining the incentives for the purchaser to upgrade the facilities.

Clients: Little Tchefuncte River Association, Healthy Gulf, Louisiana Environmental Action Network (LEAN), and Oneil Couvillion.



ABOVE: The Tchefuncte River, designated a Natural and Scenic River by the Louisiana Department of Wildlife and Fisheries, is one of the waterways that will be protected by this lawsuit settlement. The Tchefuncte provides high quality habitat for fish and wildlife, and is naturally brown in color from the tannins released into the water from decaying leaves.

Company Withdraws its Second Proposal to Spray Radioactive Waste near Black Neighborhood

September 8, 2020

In a victory for local residents, Mosaic Fertilizer LLC withdrew plans to spray radioactive waste from its gypsum pond into the air near the black community of Romeville.

This ill-conceived project was originally proposed as a waste disposal strategy in May 2019. As we previously reported, LDEQ denied Mosaic's request for a "variance" to operate the sprayers temporarily. Yet, as an alternative, LDEQ suggested that Mosaic apply to modify its air permit, which would essentially allow the sprayers to operate permanently.

When Mosaic submitted an application to modify its air permit to operate the sprayers, we submitted comments on behalf of our clients in January 2020 and supplemental comments in March 2020. We raised major public health and environmental justice concerns, including that Mosaic apparently underestimated the amount of pollution that the sprayers would release into the air.

Mosaic was solidly invested in the project and had already purchased the spray evaporators, but the issues raised in our comments were not easily dismissed. So when Mosaic withdrew its permit application in September 2020 with a claim that "the need for the spray evaporators no longer exists," our clients declared victory.

Clients: St. James residents, Mt. Triumph Baptist Church, Sierra Club, and Louisiana Environmental Action Network (LEAN).



ABOVE: Pastor Harry Joseph of the Mount Triumph Baptist Church speaks at a protest to raise awareness about the burden of pollution from Mosaic Fertilizer and the dozens of other industrial facilities in St. James, Louisiana. (Photo courtesy of the Louisiana Bucket Brigade.)

Fighting for **CLEAN AIR & HEALTHY ECOSYSTEMS**

Louisiana has among the highest pollution levels in the nation, with 372 facilities that collectively release nearly 150 million pounds of toxic waste into our air, water, or soil each year.¹ Over 100 of these plants are crowded along the Mississippi River between Baton Rouge and New Orleans, in an area known as Cancer Alley.

Research indicates that cancer risk from air pollution disproportionately affects black and low-income residents of Cancer Alley.² Ongoing industrialization is exacerbating and perpetuating this injustice, as black and low-income communities continue to be targeted for new petrochemical facilities.

We represent clients from vulnerable communities who are fighting for clean air, water, and soil, as well as organizations working to promote healthy ecosystems. We assist citizens seeking to hold companies accountable for illegal pollution, as well as residents opposing the construction of new, toxic facilities near their homes.

¹Based on most recent (2018) data from the EPA Toxic Release Inventory. <https://www.epa.gov/trinationalanalysis/where-you-live>

²Wesley, Chunrong Jia, and Satish Kedia. 2012. "Uneven Magnitude of Disparities in Cancer Risks from Air Toxics." *International Journal of Environmental Research and Public Health* 9 (12): 4365–85. <https://doi.org/10.3390/ijerph9124365>.

BELOW, LEFT: Cancer Alley residents march to the state capitol in Baton Rouge, LA, to protest the ongoing industrialization of their communities. Several marchers are wearing "ONLY 0.2 WILL DO" t-shirts demanding that emissions of chloroprene, a potent toxin emitted by Denka's facility in St. John the Baptist Parish, be reduced to safe levels (0.2 ug/m³). Photo Courtesy of Louisiana Bucket Brigade. RIGHT: An American Alligator (*Alligator mississippiensis*) basks in one of the few remaining cypress-tupelo swamps in southeast Louisiana.

Ongoing Work

2019-2020





ABOVE: Student attorneys Chiara Kalogjera-Sackellares (center) and Mathias Bartlett (back row, right) meet with a client at his camp on Grand Lake, along with Lisa Jordan (TELC Director, back row, left), Atchafalaya Basinkeeper Dean Wilson (front row, left), and Monica Fisher (Atchafalaya Basinkeeper Community Outreach Director).

Clean Water Act Lawsuit Seeks to Protect Louisiana's Swamp Wilderness

U.S. District Court for the Eastern District of Louisiana, filed April 3, 2020

We filed a lawsuit against the U.S. Army Corps of Engineers alleging violations of the Clean Water Act and National Environmental Policy Act by the Corps in granting a dredge-and-fill permit in Grand Lake without public notice or opportunity to comment. Grand Lake is located in the Atchafalaya Basin - the largest swamp wilderness in the United States. Grand Lake provides important deepwater habitat for fish and is an important resource for crawfishermen and fishermen, but a portion of the lake is being filled by sediment from a pipeline canal that alters the natural hydrology and poses a navigational hazard for fishermen. The Corps' permit allows the state's Atchafalaya Basin Program to dump sediment removed from Grand Lake back into the canal from whence it came, where it damages adjacent wetlands and flows back into Grand Lake, perpetuating and increasing the damage caused by the sediment. Our clients want to see Grand Lake properly restored and the surrounding wetlands protected.

Clients: Atchafalaya Basinkeeper, Louisiana Crawfish Producers Association – West, and Healthy Gulf

Lawsuit Intervention Highlights Environmental Injustice of Formosa Plastics' Proposed Mega-Plant



ABOVE: St. James Parish residents and their supporters march in protest of the proposed Formosa Plastics' mega-plant. Photo courtesy of Wambui Gichobi with the Louisiana Bucket Brigade.

19th Judicial District Court Filed February 24, 2020

On behalf of a local, life-long resident, we intervened in a lawsuit to overturn the LDEQ's decision to grant air permits to Formosa Plastics for a massive new plastics plant in St. James Parish, Louisiana. The intervention challenges the LDEQ's environmental justice analysis as arbitrary and in violation of the agency's public trust duty, and highlights major environmental justice concerns about the proposed project. The facility would be located near several historic, African-American communities that are already overburdened with industrial pollution and would be permitted to release over 800 tons per year of toxic emissions, as well as nearly 14 million tons per year of greenhouse gases (CO₂e). Our intervention alleges that LDEQ relied on outdated and inaccurate information about the pollution burden in those communities when the agency granted Formosa Plastics' air permits.

Louisiana Residents Call for Stricter Limits on Harmful Air Pollution



June 29, 2020

On behalf of the Louisiana Environmental Action Network (LEAN), we submitted comments to the U.S. Environmental Protection Agency (EPA) opposing the agency's decision to retain the current air quality standard for fine particulate matter (PM_{2.5}) pollution. In making this decision, the EPA ignored the advice of its own scientists and public health experts around the world, including the World Health Organization, which recommend lower limits on PM_{2.5} pollution. This type of pollution is linked to numerous health problems, including respiratory ailments, cardiovascular disease, and increased risk of death from COVID-19.

LEFT: Marylee Orr, Executive Director of LEAN (right), prepares to deploy PM_{2.5} monitors with a resident of St. James Parish. This parish has among the highest industrial PM_{2.5} emissions in the Louisiana, but no state air monitoring for this pollutant.

Mossville Community Members Speak Out About Their Extreme Pollution Burden from Encroaching Petrochemical Plants



March 12, 2020

On behalf of Mossville community members, we submitted comments to LDEQ opposing the renewal and modification of Sasol Chemical (USA) LLC's major source air permit for its Ethylene Unit in its Lake Charles Chemical Complex. Sasol's permit modification would increase emissions of toxic air pollutants in an area that already has the most extreme (top 1%) toxic air pollution in Louisiana, based on EPA's Toxic Release Inventory. The Sasol chemical complex was built on the eastern half (approximately) of Mossville, a historic African-American community in southwest Louisiana founded by formerly enslaved people. Our clients are asking LDEQ to reject this request for a pollution limit increase - given the extreme burden of industrial pollution already suffered by this deeply-rooted community - and to conduct an environmental justice analysis on the longstanding disproportionate burden of industrial operations on the Mossville community.

ABOVE: An aerial view of Sasol's Lake Charles Chemical Complex, located on land that was formerly part of the communities of Mossville and Westlake. Photo courtesy of Healthy Gulf, c/o Southwings.

Ongoing Work

2019-2020

Groups Allege that LDEQ's Excessively Low Dissolved Oxygen Standard Endangers Fish and Aquatic Life in the Lake Pontchartrain Watershed

February 4, 2020

On behalf of our clients, we submitted comments to the LDEQ opposing excessively low dissolved oxygen criteria maintained by LDEQ for over thirty waterbodies in its triennial review of Louisiana's water quality standards. As described in our comments, research suggests that these nearly hypoxic oxygen levels threaten endangered species that inhabit the Louisiana rivers and bayous in the Lake Pontchartrain area, including the Gulf sturgeon (*Acipenser oxyrinchus desotoi*) and inflated heelsplitter (*Potamilus inflatus*), and are insufficient for many other types of aquatic life.

Clients: Healthy Gulf, the Louisiana Environmental Action Network, the Louisiana Audubon Council, and the Sierra Club Delta Chapter.

RIGHT: Student attorney Lisa Diaz poses with a preserved specimen of a juvenile pallid sturgeon, a close relative of the Gulf sturgeon, at the Royal D. Suttkus Fish Collection, housed at the Tulane University Biodiversity Research Institute. This research collection is the largest collection of juvenile and adult fishes in the world, with over 7 million specimens. Lisa's longstanding interest in Marine Biology helped her effectively advocate for higher dissolved oxygen standards in this case - and resulted in a Clinic field trip to the "fish museum."



Self-Audit Program Raises Concerns about Industrial Oversight

October 21, 2019

On behalf of the Louisiana Environmental Action Network (LEAN), we submitted comments to LDEQ opposing the adoption of a self-audit program allowing industrial facilities that self-report (and correct) violations of state pollution laws to escape civil penalties and to shield violation information from the public and from use by environmental agencies for enforcement purposes. Our clients are concerned about the potential for such a program to undermine the public good, particularly in fenceline communities that are disproportionately burdened by industrial development.

Residents Urge City to Clean Up Former Waste Incinerator Site in New Orleans

October 18, 2019

We sent letters to the City of New Orleans, Mayor Latoya Cantrell, and Councilmember Jay Banks outlining concerns about a former incinerator site in the Delassize neighborhood, on behalf of residents living nearby. The city-owned site is contaminated with arsenic, lead, and other toxins from waste incinerators that operated from the 1930s - 1974, and from subsequent operations as a waste transfer facility until 1986, when it was shut down. Our letter urged the city to address the ongoing illegal dumping at the site and identified deficiencies in the city's plan to clean up the contaminated soil.



ABOVE: Final in-person student meetings before quarantine in March 2020. Top: Student attorney Chad Morabito and TELC Director Lisa Jordan discuss their work on a drinking water contamination case (see Ongoing Work, below). Bottom: Student attorneys Katie Ricks and Xingwei Zhou meet with supervising attorney Lauren Godshall about the waste incinerator site.

Fighting for **GOVERNMENT TRANSPARENCY**

The public's right to participate in government decision-making is protected by federal and state laws that (with certain exceptions) prevent government bodies from withholding public information or meeting privately to discuss official business. These "Freedom of Information" and "Open Meetings" laws ensure that the public is fully informed and included in government decision-making.

Our Student and Supervising Attorneys work to protect our clients' rights to participate in government decision-making about environmental issues at the federal, state, and local levels. Sometimes this means submitting Public Records Requests on behalf of our clients, or suing an agency that is illegally withholding the requested information. In other cases, we may help our clients hold their elected officials accountable for improper or secret decision-making through Open Meetings Lawsuits. By tackling these issues, we help our clients effectively advocate for their interests before governmental decision-makers.

"It is essential to the maintenance of a democratic society that public business be performed in an open and public manner...."

Louisiana Open Meetings Law, La. Rev. Stat. § 42:12.

Groups Call for Specific Measures to Ensure Government Transparency and Accountability amid COVID-19 Pandemic

Letter to Gov. John Bel Edwards, sent March 30, 2020

On behalf of a diverse group of non-profit organizations, and in coordination with the Deep South Center for Environmental Justice, we provided Governor John Bel Edwards with specific recommendations to ensure maximum compliance with the Open Meetings Law in conjunction with implementation of Section 4 of Executive Order No. 30 allowing remote meetings of public bodies due to the COVID-19 pandemic. These recommendations aim to ensure that Louisiana residents can continue to effectively engage in government decision-making without increasing their risk of exposure to COVID-19.

Clients: A Community Voice, Atchafalaya Basinkeeper, Healthy Gulf, Louisiana Bucket Brigade, Louisiana Environmental Action Network, Residents of Gordon Plaza, Inc., RISE St. James, and the Sierra Club.



ABOVE: Residents of Gordon Plaza and their allies rally in downtown New Orleans, while taking precautions against COVID-19 transmission. These advocates are fighting for the relocation of residents of Gordon Plaza, a middle-class subdivision built on a contaminated Superfund site in New Orleans' Upper 9th Ward.

Lawsuit Challenges St. James Parish Council's Vote - Without Public Notice or Public Input - to Commission an Air Pollution Study That Would Inform the Parish's Industrial Permitting Decisions

23rd Judicial District Court, filed December 13, 2019

We filed an Open Meetings lawsuit against the St. James Parish Council and the St. James Parish President over a resolution that authorized a contract for an air quality study. Despite residents' clear and sustained interest in improving air quality in their parish, they had no idea the Council was planning such a study, which was intended to direct the parish's approach to future industrial projects. Because the meeting agenda said nothing about the air quality study, our clients had no notice or opportunity to express concerns regarding the scope and nature of the study or the entity hired to perform it.

Clients: St. James residents, RISE St. James, Louisiana Bucket Brigade, and Louisiana Environmental Action Network (LEAN)



ABOVE: St. James residents and their supporters gather to protest environmental injustice in Louisiana's Cancer Alley. Photo courtesy of the Louisiana Bucket Brigade.

Lawsuit Holds City Accountable for Refusing to Release Public Records about Residential Development on Toxic Landfill



**Orleans Parish Civil District Court
Filed December 6, 2019**

We filed a lawsuit against the City and Mayor of New Orleans alleging the city violated the Louisiana Public Records Act by refusing to release public records about the development of Gordon Plaza. This middle-class development was built in the 1970s on a former landfill and Superfund site, which remains contaminated with heavy metals, hydrocarbons, and other toxins. The city promoted the development as an opportunity for black residents to become first-time homeowners, but did not disclose the toxic nature of the site. Our clients seek the release of records related to the development of the site, with the ultimate goal of fully funded relocation..

Clients: Residents of Gordon Plaza

LEFT: Protestors at a rally in downtown New Orleans express support for the fully funded relocation of residents of Gordon Plaza.

Lawsuit Demands Release of Public Records related to Drinking Water Contamination in New Orleans

Orleans Parish Civil District Court
Filed November 15, 2019

We filed a lawsuit against the Sewerage and Water Board of New Orleans and its Executive Director alleging violations of the Louisiana Public Records Act by their refusal to release public records about lead, a toxin that is unsafe at any level, in the city's drinking water and pipes. Our clients have long been concerned about the presence of toxins in New Orleans' drinking water, particularly for older homes and impoverished neighborhoods.

Clients: A lifelong New Orleans resident and the grassroots group A Community Voice



ABOVE: Members of A Community Voice march to protest the lack of adequate and affordable sewerage and water services in New Orleans. Photo courtesy of A Community Voice.

Public Records Requests

During the 2019-2020 academic year, we submitted numerous requests for public information on behalf of various environmental groups and concerned citizens. Collectively, these requests were submitted to federal, state, and parish government entities and sought information related to industrial plants, petrochemical pipelines, soil and drinking water contamination, environmental restoration projects, endangered species, and agency rulemaking.

While these records should be accessible to anyone, government entities sometimes fail to respond and may even attempt to withhold incriminating information. Often, simply having an attorney submit the request can facilitate the release of public records.

The importance of accessible public information cannot be overemphasized. For many of our clients and community partners, knowledge is power.



ABOVE: St. James Parish residents attending a Parish Council meeting, holding public documents related to ongoing environmental injustices in their community. Photo courtesy of Louisiana Bucket Brigade.

Community Engagement 2019-2020

PROGRAM OVERVIEW

For over 30 years, our Community Engagement Program (formerly Community Outreach Program) has empowered concerned citizens and environmental groups through education and capacity-building that strategically complements our legal work. Our staff provide customized, community-based training across broad areas related to environmental advocacy, including how to: access public information, report environmental problems, comment effectively on environmental permits or policies, and research environmental laws. This information is available in our comprehensive “My Guide to Environmental Protection,” which has also served as a model for environmental non-profits developing their own guides in other states. Electronic copies are available online at <http://www.tulane.edu/~telc/>. Paper copies may be obtained by emailing TELCoutreach@tulane.edu or calling 504-865-5787.

Our community-focused training is available to anyone – even those for whom the Clinic does not take on legal representation. Thus, our Community Engagement Program allows the clinic to reach a broader client base, including people living outside Louisiana, and have a larger positive impact than what could be accomplished strictly through legal assistance. At the same time, the Program gives our clients tools that can help facilitate legal victories or minimize legal setbacks.

RIGHT: In partnership with the University Network for Human Rights, TELC Community Engagement Program Director, Dr. Kimberly Terrell (yellow square), provided a remote, customized workshop focused on using science for community advocacy. The workshop taught students from across the U.S. how to access EPA databases, conduct basic statistical analyses, and map data using open source software. It was held in August 2019, before remote meetings became the norm.



Community Engagement 2019-2020

Empowering Communities through Non-Legal Research

Upon request, our program staff conducts (non-legal) research to empower community members with fact-based knowledge related to their environmental concerns. Often, this entails researching technical/scientific questions and presenting information to community members in a way that is easy to understand.

Because many of our clients are concerned about industrial pollution, we commonly provide facts about health risks of specific pollutants associated with particular facilities. We provided technical information for nearly all of the cases covered in this report, including the Formosa Plastics mega-plant and Mosaic's toxic waste plan (see 2019-2020 Major Successes). In addition to providing our clients with compelling talking points, research conducted by our Community Engagement Program is often used by Clinic student and supervising attorneys in their legal comments to environmental decision-makers.

The importance of case-specific, factual knowledge to our community partners cannot be overemphasized. These facts empower communities by allowing them to make more specific, detailed comments to decision-makers and the media. This approach is especially important for communities fighting multiple, or ongoing environmental injustices (e.g., Cancer Alley), where separate issues may become blurred, or decision-makers may become apathetic to recurring, general environmental concerns.



ABOVE: Sharon Lavigne, President of RISE St. James, testifies before Congress about the impact of industrialization on her community in St. James Parish, LA. Photo courtesy of Louisiana Bucket Brigade.

“[Scientific information] is the best tool we have. Science will lead us into the future!”

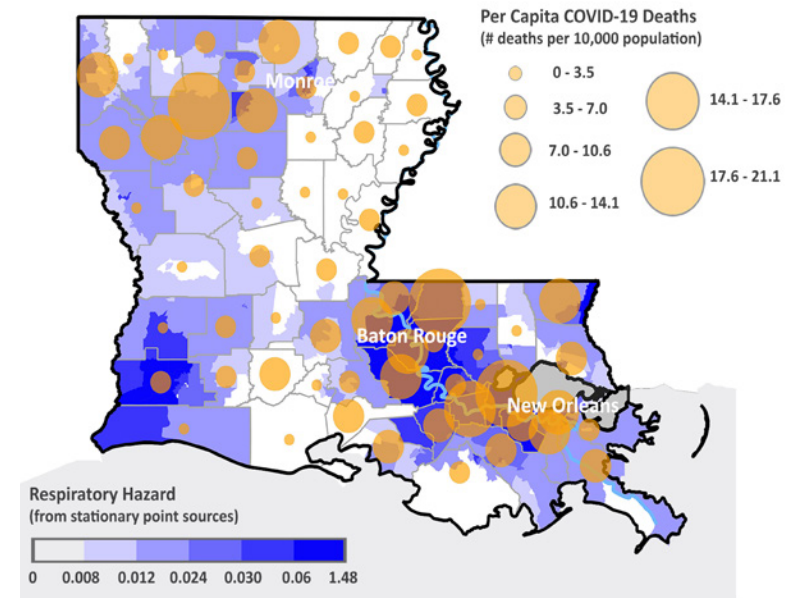
St. James Parish resident Gail LeBoeuf, at a recent permit hearing, after sharing information from TELC's community engagement program.

Community Engagement 2019-2020

Research Study: COVID-19 and Air Pollution in Louisiana

At the request of the Concerned Citizens of St. John the Baptist Parish, our Community Engagement Program Director, Dr. Kimberly Terrell, undertook a study to better understand the relationship between COVID-19 and air pollution in Louisiana. St. John the Baptist Parish was reported to have the highest COVID-19 death rate in the United States, and residents have long been concerned about their exposure to industrial air pollution. In collaboration with Dr. Wes James from the University of Memphis School of Public Health, Dr. Terrell analyzed COVID-19 death rates relative to race and pollution levels across Louisiana. They found that higher pollution levels were associated with both higher COVID-19 death rates and higher proportions of African-American residents. In other words, black communities in Louisiana are overburdened with both air pollution and COVID-19 deaths. Further, these associations were not driven by smoking, diabetes, or obesity.

The study was published in the peer-reviewed journal, *Environmental Justice*, on Sep 2, 2020 and is available at <https://www.liebertpub.com/doi/10.1089/ENV.2020.0021>.



Congressional Testimony: Plastic Production, COVID-19, and Human Health

On July 7, 2020, Dr. Terrell testified before the U.S. House of Representatives Subcommittee on the Environment at a briefing on “Plastic Production, Pollution, and Waste in the Time of COVID-19.” She presented information about the disproportionate health risks suffered by Louisiana’s industrialized communities, including the increased risk of death from COVID-19, and the lack of adequate air quality monitoring in the state. Dr. Terrell’s testimony reflected research that she had conducted on behalf of several TELC clients: Concerned Citizens of St. John the Baptist Parish, RISE St. James, Mossville community members, Louisiana Environmental Action Network (LEAN), and Louisiana Bucket Brigade.

Community Engagement 2019-2020

TELC Launches Community-Focused Air Quality Monitoring Initiative

This past year, TELC's Community Engagement Program launched a new initiative to provide objective air quality data for TELC clients that are fighting for environmental justice in industrialized communities that lack state or federal air monitoring. In parallel, our staff scientist provided technical information and analyses in support of our clients' goal of expanding LDEQ (Louisiana Department of Environmental Quality) air monitoring through legal advocacy. This support included a nationwide analysis of $PM_{2.5}$ monitoring locations relative to $PM_{2.5}$ pollution hotspots using satellite data; a statewide analysis of air toxicity based on EPA (Environmental Protection Agency) data; and analyses of pollution trends across time and space, from LDEQ and EPA datasets. These analyses were used by TELC attorneys in several of the legal advocacy cases described in the "Ongoing Work" section of this report.

The lack of objective, reliable information about air quality in Louisiana's industrialized communities continues to be a major obstacle for environmental justice efforts. We hope to expand our air monitoring efforts in the future to better address this challenge.



ABOVE: Community Engagement Specialist, Gianna St. Julien (third from right), meets with community members on a "Cancer Alley Bike Tour" organized by the Louisiana Bucket Brigade.

Clinical Faculty and Staff

This past year we welcomed two TELC members - Devin Lowell, Clinical Instructor, and Gianna St. Julien, Community Engagement Specialist. Devin was a student attorney at TELC ('15) then worked as an associate at a small plaintiff firm in New Orleans litigating a variety of environmental issues. Gianna is a New Orleans native and recently graduated from the University of Louisiana Lafayette. We're thrilled to have both Gianna and Devin on our team.



Lisa Jordan
Clinic Director

J.D., Loyola University
L.L.M., Energy & The
Environment, Tulane
University



**Elizabeth Livingston
de Calderón**
**Deputy Director &
Supervising Attorney**

J.D., Tulane University
Joined TELC in 2006



Devin Lowell
Supervising Attorney

J.D., Tulane University
Joined TELC in 2020



Lauren Godshall
Supervising Attorney

J.D., New York University
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