

35 YEARS of EDUCATION through REPRESENTATION

JOHN MINOR WISDOM
UNITED STATES COURT OF APPEALS BUILDING
FIFTH CIRCUIT



Tulane Environmental Law Clinic

Activities & Accomplishments, August 2023 – December 2024

From the Director



Dear Friends,

The work reflected in this report reminds us of the value of what we do. Thirty-five years worth of investment in legal education through pro bono representation in Louisiana environmental issues continues to reap rewards. Our students have been in trial, applying knowledge and skills they learned in Tulane classrooms through core classes like Evidence, Trial Advocacy, and Civil Procedure. Our students have litigated before federal and state appeals panels, in state and federal district courts, and before multiple state and federal agencies. And our students have a competitive advantage from these experiences, as they graduate and begin their legal careers. They enter the workplace with knowledge and skills from the real-world application of environmental law and other cross-cutting legal fields such as civil rights, historic preservation, zoning, land use, and government transparency.

This report reflects some underdog victories that our students won't soon forget. But win or lose, clinical education is an experience like no other, with educational and public interest benefits outside of the Law School classroom in the real world. Our students' teachers include clients whose homes are wedged between massive industrial facilities and clients trying to avoid that fate, clients fighting to maintain their way of life and the natural resources that protect it, and clients who simply ask to be treated equally. In most cases, our clients have been ignored by their elected and appointed representatives, leaving courts as their only option. Our students' ability to consistently serve this role – in an atmosphere where it is sorely needed – is the continued return on the investment made in 1989 when this clinic was created, for which we remain grateful and proud.

With gratitude,

Lisa Jordan

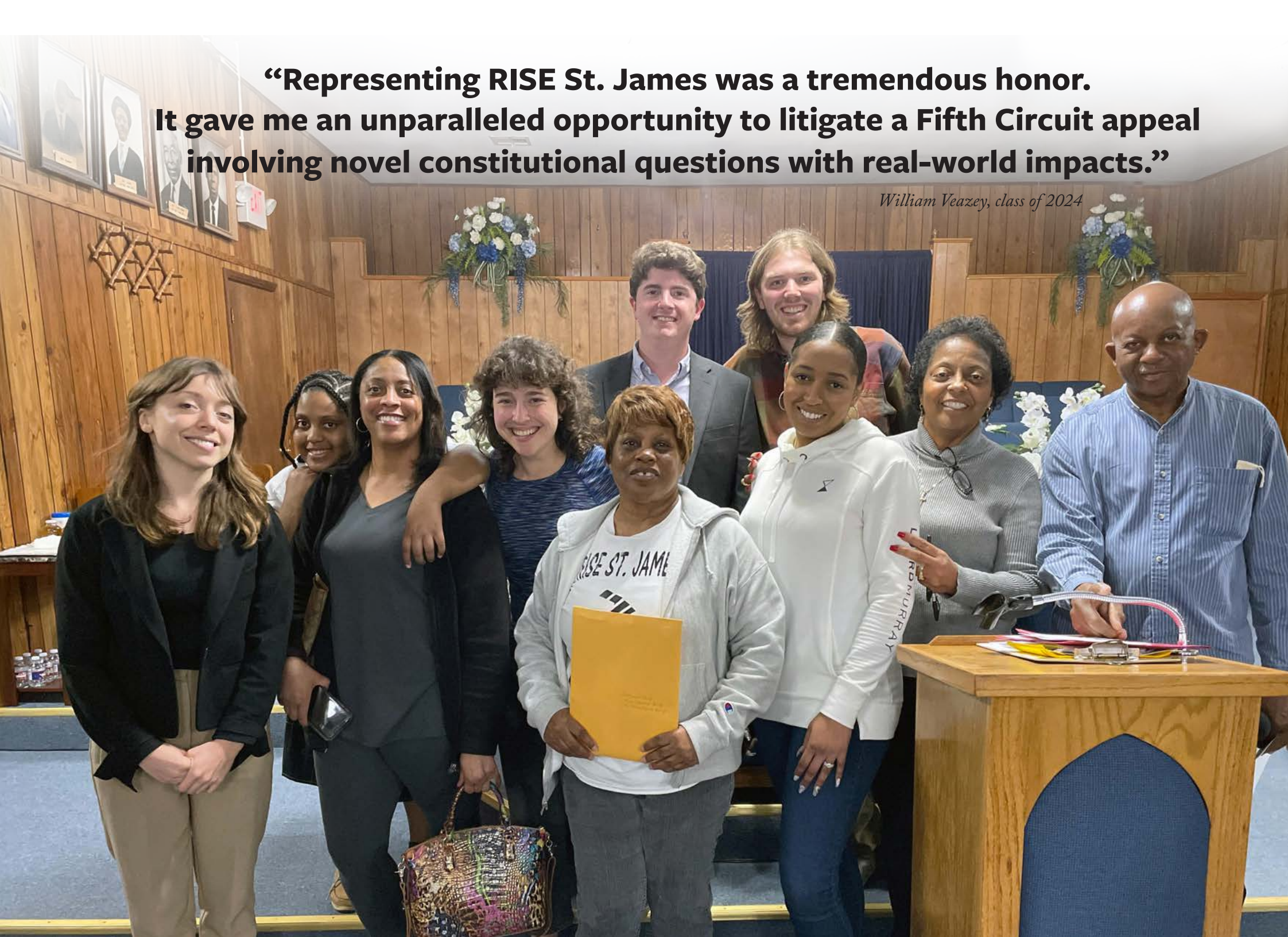
A handwritten signature in black ink that reads "Lisa W. Jordan". The signature is fluid and cursive, with a large initial "L" and "J".

2 COVER: Supervising Attorneys Devin Lowell and (TELC Director) Lisa Jordan with Student Attorney Steven Moctezuma after arguing the merits of the Timber Branch Lawsuit (see Recent Successes) with clients, who represent the Coalition for Responsible Zoning.

FOLLOWING PAGE: Student Attorneys Zoe Berg, Will Veazey, and Jack Dean with Supervising Attorney Clara Potter and members of RISE St. James: Founder Sharon Lavigne, Beverly Alexander, Shamell Lavigne, Amerie Braud, Shamyra Lavigne, and Pastor Nathaniel Batiste of St. Luke Baptist Church.

“Representing RISE St. James was a tremendous honor. It gave me an unparalleled opportunity to litigate a Fifth Circuit appeal involving novel constitutional questions with real-world impacts.”

William Veazey, class of 2024



Special Feature

The Wallace Grain Terminal: Environmental Law Intersects with Historic Preservation Law

What can law students learn from real-world experience?

Tulane student attorneys working on the Wallace Grain Terminal case experienced firsthand the intersectionality of public interest law. This case involved a 200-acre grain terminal to be constructed in Wallace - a small, Black community recognized for its cultural significance due to its legacy of slavery, post-emancipation settlement, and civil rights organizing. After a Denver-based company proposed to build a massive, dust-emitting grain terminal just 300 feet from peoples' homes, Wallace was named one of the 11 Most Endangered Historic Places in America by the National Trust for Historic Preservation.

Six students worked on this case across three years. Their work focused on the wetlands permit application; specifically, the Army Corps' mandate to consider adverse impacts under the National Environmental Policy Act (NEPA) and Section 106 of the National Historic Preservation Act (NHPA). The students learned the real-world challenges of implementing the NEPA and NHPA in environmental permitting - key knowledge not taught in any Tulane classroom.

Here we highlight the perspectives of four of these students. Their work had real-world benefits for the clients, who, despite all odds, succeeded in a David-versus-Goliath fight to protect their homes and the nation's heritage.



Tiarra Riggins
Assistant General Counsel,
Branding & Sourcing Legal Team,
American Intl. Group, Inc.
Class of 2022

“Working on the Wallace Grain Terminal case afforded me an opportunity to witness the power of honoring family roots and the power of honoring the environment in which you live. Historically black communities deserve to preserve their heritage, and I am grateful to have worked on behalf of Jo and Joy Banner in the fight to stop the Grain Terminal proposal.”



Ingrid von Kleydorff
Associate Attorney
Pugh Accardo, LLC
Class of 2022

“The success in the Greenfield case is a testament to the persistent advocacy efforts of engaged clients and team members with whom I was fortunate to work throughout my law school career. This case exposed me to the history, resilience, and determination of Louisiana communities which continues to inspire my legal efforts as an attorney in Louisiana.”



Hong Nguyen
Associate Attorney,
Lewis Brisbois
Class of 2023

“Being a part of Tulane’s Environmental Law Clinic and working on this case was one of the most fulfilling and enriching experiences I’ve had during my time at Tulane. I am so grateful to have gotten the opportunity to work alongside such amazing, hardworking people who inspired my perspective on lawyering.”



Mia Dalton
Associate Attorney,
PJGG Law
Class of 2024

“Working on this case provided me with invaluable practical experience as I was able to fine tune my legal research and writing skills while working in the cross-section of historic preservation and environmental law. This opportunity was also educational on the environmental and cultural injustices faced by communities in Southeastern Louisiana, which I hope to continue to advocate for.”

Special Feature



Dr. Joy Banner, a Wallace community leader and co-founder of The Descendants Project, in a spontaneous embrace with TELC Staff Scientist, Dr. Kimberly Terrell. Just seconds earlier, an attorney for a Denver-based company unexpectedly announced their decision to abandon a grain terminal project. Dr. Banner’s emotion reflects the intense, 4-year struggle that she and her twin sister, Jo Banner, endured to protect their home from being sacrificed for industrial development, during which time they were targets of slander, intimidation, and arson.

Student Attorneys

Since 1989, Tulane Environmental Law Clinic has graduated more than 800 law students and expanded access to legal resources for dozens of communities facing environmental challenges. For many students, the Clinic is the reason they chose to pursue education at Tulane Law School. For others, the Clinic provides an opportunity to broaden their educational experience beyond their main field of study. Regardless of their motivation, our students consistently tell us that the Clinic is a transformative experience and one of the best parts of law school.

The Clinic has helped to train a vast network of lawyers who have gone on to successful careers in the federal government, state agencies, non-profits, and private practice. While our alumni practice diverse fields of 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 historically marginalized people fighting for environmental justice.

874 Student attorneys
graduated since 1989



ABOVE: Student attorney Cameron Cerf at the St. James Parish Courthouse before deposing a parish official in an ongoing lawsuit involving apparent violations of the Open Meetings Law by the Parish Council and Planning Commission.



Student Attorneys

FALL 2023

Zoe Berg, Tim Brannan, Tanner Bryant, Cameron Cerf, Mia Dalton, Hannah Davis, Daniel DeGrange, Peter Ellinger, Matthew Gaar, Austin Halperin, Alicia Harris, Juliana Haynes, Kyle Mack, Kristabella Manzanilla, Alyssa McMullan, Thomas Miller, Cameron Ott, Charlotte Phillips, Olivia Quinn, Stephen Reynolds, Kathryn Schimmel, Brianna Thurman, William Veazey, Josiah Wolf, Andrea Wright

SPRING 2024

Michael Arnold, Zoe Berg, Tim Brannan, Winnie Bomar, Tanner Bryant, Cameron Cerf, Mia Dalton, Jack Dean, Daniel DeGrange, Mathilde Denegre, Peter Ellington, Rowlie Flores, Sidra Hanson, Alicia Harris, Juliana Haynes, Chad Molnar, Kyle Mack, Alyssa McMullan, Charlotte Phillips, Olivia Quinn, Stephen Reynolds, Whitney Simpson, Brianna Thurman, Will Veazey, Andrea Wright

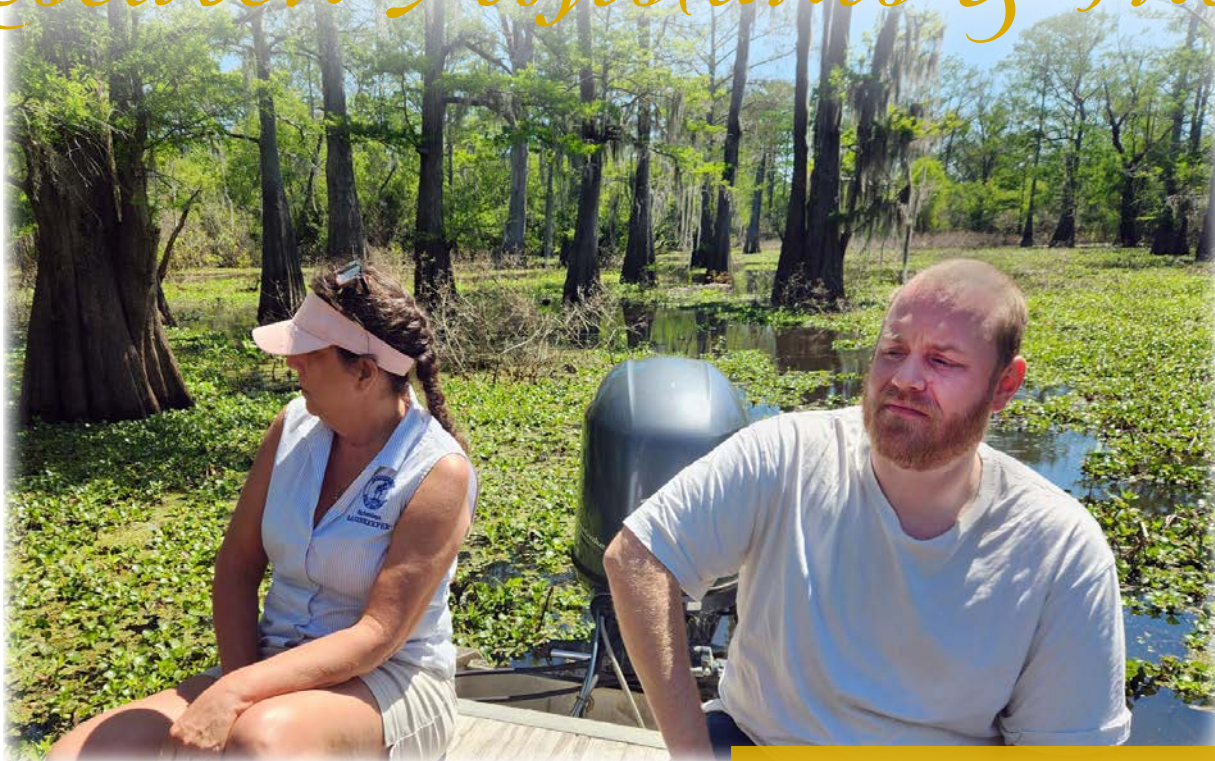
FALL 2024

Michael Arnold, Henry Alsobrook, John Amerson, Winnie Bomar, Jack Dean, Mathilde Denegre, Laura Derbonne, Alan Diaz-Santana, Rowlie Flores, J.R. Greenwalt, Sidra Hanson, Naomi Hodges, Addie Kleinpeter, Hugh Mallen, Chad Molnar, Corin Nguyen-Toups, Ali Odermann, Tom Polites, Emma Sackheim, Whitney Simpson, Alexa Sinha, Victor Sorescu



ABOVE: Student attorneys and Clinic staff after the Fall 2023 swearing-in ceremony.

Research Assistants & Interns



ABOVE LEFT: Student Attorney Michael Arnold visits the Atchafalaya Basin with Monica Fisher, a local organizer with the Atchafalaya Basinkeeper, in April 2024. ABOVE RIGHT: Research Assistant Matt Turner in his Tulane Law School headshot.



123 research assistants & interns mentored since 2002

SUMMER 2024 RESEARCH ASSISTANTS: James “Matt” Turner and Michael Arnold

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. Our Research Assistants are typically in their first year of law school at Tulane and, through this experience, gain valuable foundational knowledge of environmental law. On average, about half of our Research Assistants subsequently enroll in the Clinic.

Advocating for Residents Seeking to Protect the Health and Well-Being of Their Communities

Louisiana has among the highest pollution levels of any U.S. state and accounts for 80% of the nation's coastal wetland loss.¹ Over 50,000 miles of pipelines criss-cross the state, dissecting sensitive wetlands and disrupting their hydrological function.² More than 700 sources of industrial pollution operate in Louisiana, including chemical plants, oil refineries, pipeline compressor stations, and paper mills.³ Collectively, these sources release about 200 million pounds of toxic pollutants into the air, water, or soil each year.⁴ About half of these industrial sources are crowded along the Mississippi River between Baton Rouge and New Orleans, in an area known as Cancer Alley.

Peer-reviewed research from our Science-Based Advocacy Program indicates that toxic air pollution contributes to the elevated cancer rates and poor birth outcomes in Louisiana.⁵ While the research is new, the problems have been known to community members for generations. The ongoing issue of science taking decades to catch up to lived experience is why public health experts advocate for a Precautionary Principle. This foundational principle of public health demands a protective approach to avoid serious health risks, even in the absence of full scientific certainty about those risks.

For many Louisiana communities, access to legal resources is a major obstacle to effectively influencing environmental decision-making. We represent clients from Louisiana communities who are fighting for clean air, water, and soil, as well as organizations working to promote healthy ecosystems. We assist residents seeking to hold companies accountable for illegal pollution, as well as communities opposing the construction of new, toxic facilities near their fencelines.

This report details the activities, challenges, and successes of the Tulane Environmental Law Clinic (TELC) from August 1, 2023 through December 31, 2024. Because most of our cases last beyond a semester, you can learn more about the foundations of our current work from previous annual reports. These reports are available at: <https://law.tulane.edu/clinics/environmental>.

¹USGS. *Louisiana's Wetlands: A Resource at Risk*.

<https://pubs.usgs.gov/fs/la-wetlands/>. Accessed Dec 21, 2023.

²Louisiana Department of Natural Resources.

<http://www.dnr.louisiana.gov/index.cfm/page/150>. Accessed Dec 21, 2023.

³Louisiana Department of Environmental Quality. *2023 Annual Certified Emissions Inventory*. Accessed Dec 21, 2023.

⁴U.S. Environmental Protection Agency. *Risk-Screening Environmental Indicators Database*. Accessed Dec 21, 2023.

⁵Terrell and St. Julien. 2022. DOI: 10.1088/1748-9326/ac4360.

FOLLOWING PAGE: Supervising Attorney Devin Lowell with Student Attorneys Kyle Mack and Brianna Thurman, their client, Beverly Alexander from RISE St. James, along with TELC Director Lisa Jordan and Staff Scientist Dr. Kimberly Terrell after an appeal hearing in November 2023.



Recent Successes

U.S. Appeals Court Rules that Army Corps of Engineers Must Consider Cumulative Impacts of Piecemeal Wetlands Destruction

October 12, 2023

The United States Fifth Circuit Court of Appeals issued a noteworthy ruling in favor of the Clinic's clients who have been fighting to protect their homes in St. Tammany Parish, Louisiana from flooding due to ongoing destruction of local wetlands for residential and commercial developments. Specifically, the Court found that the Corps violated the National Environmental Policy Act (NEPA) and the Clean Water Act when it issued a wetlands permit for a development project without assessing the cumulative impacts from the many other wetlands permits that it issued in the area. The Court also ruled that the Corps did not adequately justify its conclusion that an Environmental Impact Statement was unnecessary for this project.

Client Organizations: Coalition for Responsible Zoning, Healthy Gulf, and the Sierra Club.



ABOVE: A stretch of the Tchefuncte River near the proposed Timber Branch development, after only 1.2 inches of rain. Destruction and paving of hundreds of acres of wetlands in this area, where the Timber Branch project is proposed, has led the Little Tchefuncte to overflow more frequently, including a major event in 2016 that flooded homes and properties in the area.

LEFT: A bald eagle in perched in a tree along Bricker Road, in the natural environment that residents living near the proposed large commercial and residential development would lose if the project goes forward.

Recent Successes

Plaquemines Parish Protects Historic African-American Community and Denies Rezoning Proposal

March 5 and April 11, 2024

The Plaquemines Parish Planning & Zoning Board (and subsequently the Plaquemines Parish Council) denied a controversial request to rezone agricultural land adjacent to the small, historic African-American town of Oakville, representing a significant win for this community. If approved, the rezoning would have enabled the construction of modular buildings to house temporary workers for the nearby Venture Global Liquefied Natural Gas (LNG) export facility. The planned housing site would have caused a significant increase in traffic on the narrow lanes of Oakville, which is already impacted by an adjacent landfill. The proposed development would have been constructed in a FEMA-designated special flood hazard area, raising concerns about increased flooding to the community. TELC student and supervising attorneys submitted a written comment on March 1, 2024 and spoke at the public hearings alongside their clients to voice those concerns.

Client Organization: Oakville Community Action Network.



ABOVE: Historic photo of Student Attorney Anupama Prasad (TELC class of 2011) with Allen Green, an Oakville community leader. Green is gesturing to the landfill that immediately borders his historic Freetown community.



STANDS WITH THE PEOPLE WE EMPLOYED
BY DESCENDANTS PROJECT

STOP the Wallace Grain Elevator!

STOP
the Wallace
Grain Elevator!
Call 225-206-1993
for More Info.

Recent Successes

U.S. Army Corps of Engineers Formally Acknowledges that Proposed Wallace Grain Terminal would Harm Key Historic Sites

September 22, 2023

The Corps issued a proposed Determination of Adverse Effects, which concluded that the construction and operation of the Greenfield Grain Terminal in Wallace, Louisiana would have adverse effects on numerous historic sites. These nationally significant sites are integral to understanding the legacies of slavery, reconstruction, and civil rights in the United States: Great River Road National Historic District, Whitney Plantation Museum, Willow Grove Cemetery, Evergreen Plantation, and Oak Alley Plantation.

After considering subsequent comments from consulting parties, including TELC, the Corps issued a revised determination (April 5, 2024). This determination confirmed that Wallace was eligible for listing in the National Register of Historic Places, based on consultation with the Deputy Keeper of the Register, and that Wallace would be adversely affected by the noise, light pollution, and industrial aesthetic of the 200-acre grain terminal. These outcomes required Greenfield and the Corps to agree upon mitigation measures.

Before such measures could be agreed upon, Greenfield abruptly announced the termination of the project during a public event on August 6, 2024 that was organized by the Corps to disseminate information about the proposed Wallace grain terminal.

On behalf of the clients, TELC submitted comments to the Corps on October 24, 2023 (advocating for permit denial based on adverse impacts) and April 23, 2024 (documenting the insufficiency of the noise analysis). We also attended several consultation meetings during this timeframe, where we provided oral comments on these and other issues.

Client Organizations:

Descendants Project, Stop the Wallace Grain Terminal, the Concerned Citizens of St. John, the Louisiana Bucket Brigade, and Sierra Club

RIGHT: A portion of the proposed 200-acre grain terminal site in Wallace where Greenfield began construction, despite not having received a Corps permit for the project.

PREVIOUS PAGE: Student Attorneys Mia Dalton and Mathilde Denegre (center right) with their clients Jo and Joy Banner and Supervising Attorney Devin Lowell.



Legal Advocacy



ABOVE: Student Attorneys Sidra Hanson and J.R. Greenwalt at the highly-contested September 26, 2024 public hearing for the proposed ammonia plant on the fenceline of Elkinsville. This real-world experience (and their subsequent work on the Motion for Recusal) helped the students develop the legal expertise to address bias in agency decision-making.

Legal Advocacy

Historic Elkinsville Freetown Fights to Stop Proposed Ammonia Plant from Adding to Air Pollution Burden

Residents of Elkinsville, Louisiana - an historic Freetown founded by formerly enslaved people shortly after emancipation - and the surrounding St. Rose area are fighting to stop the construction of a chemical plant by St. Charles Clean Fuels, a Delaware-based company funded by Danish investors. The chemical plant would produce liquid ammonia from fossil gas as an “alternative” fuel and would emit over 100,000 lbs of toxic ammonia gas each year less than a half mile from the community. Residents in this area are already impacted by a large petrochemical terminal that emits over 500,000 lbs of harmful pollutants each year along Elkinsville’s fenceline. Although marketed as an *alternative*, the proposed ammonia plant would *add* to the community’s existing pollution burden.

On behalf of our clients, we submitted comments to the Louisiana Department of Environmental Quality (LDEQ) requesting a public hearing for the plant’s air permit application (September 27, 2023), which our expert contends was misclassified as a “minor source,” as well as comments on the application itself (December 20, 2023). Two TELC student attorneys worked on these comments, including one who lived in St. Rose for part of his childhood.

Although LDEQ granted the hearing, the agency insisted on holding it in a small library room, ignoring repeated requests for a larger space. About 200 people packed the 60-capacity room on September 26, 2024, and LDEQ was forced to shut down the hearing after the local fire chief intervened. In response to media coverage, LDEQ issued an inflammatory statement that blamed local residents for the fiasco and implied that the agency had already decided to grant the permit. In response to this blatant evidence of bias and failure to consider public input, we filed a Motion for Recusal (November 1, 2024). This motion demanded that LDEQ remove itself to allow an impartial decision-maker to evaluate the permit application.

Client Organizations:
Refined Community Empowerment,
Concerned Citizens of St. John, the Green Army,
Descendants Project, and Sierra Club Delta Chapter.

Louisiana Groups Fight to Ensure Accountability for Permit Violations

August 18, 2023

On behalf of our clients, we submitted comments to the Louisiana Department of Environmental Quality opposing its proposed regulations to implement an Industry Self-Audit Program. Our clients contend that this program is ill conceived because it would exempt qualifying facilities from 100% of potential penalties for violations of their permits and applicable law and would shield self-audit information from the public for at least two years and potentially indefinitely.

Client Organizations:
Louisiana Environmental Action Network, RESTORE, Mt. Triumph Baptist Church, and the Louisiana Democracy Project

Legal Advocacy

Local Residents Rally to Protect Lake Maurepas from Destruction for Carbon Capture Project

September 15, 2023

On behalf of our clients, we submitted supplemental comments to the U.S. Environmental Protection Agency (EPA) opposing the Louisiana Department of Natural Resources' updated application for primacy over Underground Injection Control Class VI Wells. These comments focused on concerns with long-term liability releases under Louisiana law and insufficient resources for the program's Environmental Assessments. Ultimately, our clients are concerned about the impacts of a proposed carbon capture site under Lake Maurepas, an ecologically-important area that is a popular site for fishing, hunting, and recreation.

After the EPA granted this primacy application, the Deep South Center for Environmental Justice sued over the decision in the U.S. Fifth Circuit Court of Appeals (June 20, 2024; No. 24-60084). On behalf of our clients, we filed an *amicus curiae* brief supporting their lawsuit.

Client Organizations:

Lake Maurepas Preservation Society and the Sierra Club

Mossville Community Members Continue their Fight for Just Relocation after Massive Industrial Expansion

October 11, 2023

On behalf of our clients, we submitted comments to the U.S. Environmental Protection Agency (EPA) requesting that EPA pursue a buyout of the Mossville community as a form of Supplemental Environmental Project. The EPA had the authority to negotiate such a buyout as an aspect of enforcement actions for Clean Air Act violations by industry in the area, including Sasol's Lake Charles Chemical Complex. Unfortunately, this buyout was not pursued, and Mossville residents remain at risk, being exposed to the top 1% most toxic air in Louisiana.

Clients: Mossville community members



LEFT: Residents of Gordon Plaza, a New Orleans subdivision built on top of a Superfund site, meet remotely with Mossville community members to share advice for successfully achieving a buy out. At the time, the finish line was in sight for the Gordon Plaza residents, who have since achieved their goal and relocated, as celebrated in our previous annual report. This meeting of TELC clients was organized by Dr. Kimberly Terrell, the clinic's Director of Community Engagement.

Legal Advocacy

Local Residents Seek to Hold Serial Violator Accountable for Toxic Air Pollution

December 4, 2023

On behalf of our clients, we filed a Clean Air Act Title V petition asking the U.S. Environmental Protection Agency (EPA) to object to a modified air permit for Nucor Steel's St. James Louisiana facility. This facility has consistently exceeded its permitted limits of harmful and toxic air pollutants, posing an unacceptable risk to the nearby historic Black community of Romeville. Rather than achieving compliance with the permit limits, Nucor sought - and obtained - approval from the Louisiana Department of Environmental Quality (LDEQ) to increase those limits. Our Title V petition argued that this permitting approach was unjust and that the permit failed to meet Clean Air Act requirements because it did not require best available pollution control technologies or monitoring sufficient to assure compliance with emission limits. In September 2024, the EPA granted our Title V petition in part, though EPA's objection did not address the environmental justice and health issues of this permit.

The LDEQ issued a new draft permit and public comment period based on EPA's objection. On December 30, 2024, we submitted comments arguing that the sulfur limits and monitoring requirements of the revised permit were insufficient to protect human health, based on a report that we commissioned from an independent expert.

Client Organizations: Inclusive Louisiana and the Louisiana Bucket Brigade



ABOVE: Student Attorneys Juliana Haynes and Alicia Harris with Barbara Washington, founding member of Inclusive Louisiana.

Legal Advocacy

Louisiana Communities Continue to Fight for Better Air Quality

October 26, 2023 and April 24, 2024

On behalf of clients across Louisiana, we submitted comments in early 2024 opposing the LDEQ's flawed Annual Air Monitoring Network Plan. As detailed in our comments, the Plan appears to lay a foundation for LDEQ to disregard its own air monitoring data. For example, the Plan reveals LDEQ's intent to add a different type of fine particulate matter (PM_{2.5}) monitor to its Westlake site, despite the agency's failure to acknowledge that two other types of "gold-standard" monitors (operated by LDEQ) detected dangerous levels of this pollutant at the site, constituting an ongoing violation of the National Ambient Air Quality Standard. The Plan also failed to include the new St. James air monitoring site.

On behalf of many of the same clients, we submitted comments to EPA about LDEQ's prior Annual Air Monitoring Network Plan (Fall 2023). We asked EPA to disapprove the plan, given that the concerns we raised to LDEQ remained unaddressed.

Client Organizations: Healthy Gulf, Inclusive Louisiana, Louisiana Bucket Brigade, Mossville community members, Refined Community Empowerment, and Rise St. James



Legal Advocacy

St. Rose Community Speaks Out against Increased Flood and Disaster Risk from Proposed Ammonia Plant

Comments submitted in January, April, August, and September 2024

On behalf of our clients, we provided comments to the U.S. Army Corps of Engineers and the Louisiana Department of Energy and Natural Resources addressing the potential flood and disaster risks from the ammonia plant proposed by St. Charles Clean Fuels, an out-of-state company funded by foreign investors. The construction of this chemical plant would destroy 220 acres of “protected” wetlands adjacent to the historic Elkinsville Freetown neighborhood of St. Rose, Louisiana. These wetlands were protected to offset the flood risk from industrial expansion of an adjacent petrochemical facility about a decade ago.

An independent expert that we commissioned to review the permit applications found that the company had not adequately considered the potential risks from this project, which would be build in a flood zone within a hurricane-prone area. Specifically, the company had not fully accounted for inundation from stormwater, which is trapped within the area’s levee system and needs to be pumped out. Residents also point to the existing problems with flooding and the ongoing risk of hurricanes, as many are still recovering from the impacts of Hurricane Ida in 2021.

Client Organizations: Refined Community Empowerment, Healthy Gulf, Concerned Citizens of St. John, RISE St. James, Green Army, Sierra Club, Descendants Project, and Louisiana Against False Solutions.



ABOVE: Student attorneys Winnie Bomar, J.R. Greenwalt, and Sidra Hanson with Kimbrelle Eugene Kyereh, a community leader from Elkinsville Freetown and founder of Refined Community Empowerment, at the August 2024 Coastal Use Permit (CUP) hearing for the proposed ammonia plant. This public hearing was granted in response to a request submitted by TELC, on behalf of the clients, providing a rare opportunity for oral comments on a CUP application.

Legal Advocacy

Fighting for Government Transparency

The public's right to participate in environmental decision-making is protected by laws that generally prevent government bodies from withholding public information or meeting privately to discuss official business. These are known as "Freedom of Information," "Open Meetings," and "Sunshine" laws.

Our Student and Supervising Attorneys work to protect our clients' rights to participate in environmental decision-making 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. Through Open Meetings lawsuits, we may also help our clients hold their elected officials accountable for secret decision-making. By tackling these issues, we help our clients effectively advocate for their interests before governmental decision-makers.



ABOVE: Student Attorney Cameron Cerf (left) and Supervising Attorney Devin Lowell (right) prepare to depose St. James Parish officials as part of an ongoing Open Meetings Lawsuit.

Legal Advocacy

Public Records Requests

During this 2023-2024 report period, we submitted 27 requests for public information, collectively on behalf of more than a dozen different community groups and/or environmental groups.

While these records should be accessible to anyone, government entities sometimes fail to respond and may even attempt to withhold incriminating information. Often, 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, **knowledge is power.**

Issues Addressed by TELC Public Records Requests:

- Air monitoring, permitting, and emissions reporting
- Archeological studies & historic preservation
- Environmental standards & violations
- EPA's Title VI complaint investigation
- Industrial accidents
- Industry-regulator communication
- Wetlands permitting & degradation
- Wetlands mitigation & restoration
- Zoning



ABOVE: Clients of TELC representing RISE St. James, Concerned Citizens of St. John, The Descendants Project, and Boundless Community Action, along with TELC students Winnie Bomar and Olivia Quinn, as well as TELC Director Lisa Jordan and other community advocates, at a meeting in Chicago, IL in February 2024.

New Lawsuits

St. James Residents Appeal to Higher Court for Right to Proceed with Land Use Discrimination Lawsuit

U.S. Fifth Circuit Court of Appeals, filed December 20, 2023

On behalf of our clients, we appealed an adverse judgment of the U.S. District Court for the Eastern District of Louisiana in a suit over St. James Parish's violations of the Thirteenth and Fourteenth Amendments to the U.S. Constitution (42 U.S.C. Section 1982) and the Religious Land Use and Institutionalized Persons Act. Specifically, the lawsuit alleges that the Parish and its Council and Planning Commission violated these protections by enacting and implementing a land use plan that concentrates polluting industry in the majority-Black 4th and 5th Districts of the Parish. The District Court dismissed the lawsuit on statute of limitations and technical pleading grounds, not on its merits.

Client Organization: RISE St. James



ABOVE: Student Attorneys Emma Sackheim and Jack Dean with Supervising Attorney Clara Potter and RISE St. James' Chief Operating Officer, Shamell Lavigne, and Research & Policy Coordinator, Caitlion Hunter, after arguing the merits of this case before the U.S. Fifth Circuit Court of Appeals.

New Lawsuits

St. James Residents Demand Due Process over Proposed Industrial Expansion

23rd Judicial District Court, filed October 27, 2023

On behalf of our clients, we filed a lawsuit against St. James Parish for violating its Code of Ordinances when it rubber stamped the land use application of Koch Methanol St. James, LLC. This approval allowed Koch to expand operations, destroy wetlands, and significantly increase air pollutant emissions at its methanol production plant located near already-overburdened African American communities in St. James Parish. In granting the permit, the Parish circumvented stringent ordinance requirements intended to protect the public. The Court ruled against our clients on June 18, 2024. We filed an appeal on behalf of our clients on November 19, 2024.

Client Organization: RISE St. James

Local Fishermen Sue to Stop Wetlands Destruction in Atchafalaya Basin

Middle District of Louisiana, filed December 28, 2023 and May 15, 2024

On behalf of the Atchafalaya Basinkeeper and the Louisiana Crawfish Producers Association - West, we filed two lawsuits against the U.S. Army Corps of Engineers related to destructive projects that threaten the livelihoods of fishermen in the Atchafalaya Basin, the largest swamp wilderness in the nation. The first lawsuit challenged an after-the-fact authorization of a dam that was constructed illegally by a local hunting club in the Basin. The dam prevents navigation through Pat's Throat Bayou, blocking access to commercially-lucrative, culturally-significant, traditional fishing waters.

The second lawsuit challenges, under the Clean Water Act and the National Environmental Policy Act, the Corps' decision to issue a permit to the Louisiana Coastal Protection and Restoration Authority to construct and operate a purported swamp enhancement project in the East Grand Lake area of the Atchafalaya Basin. The suit alleges the Corps failed to adequately assess the foreseeable harmful impacts of the 5,000+ acre project, including irreversible and significant sedimentation that will obstruct access to East Grand Lake by recreational users, fishermen and crawfishermen, and fill in areas that currently serve to protect most of south Louisiana by storing and diverting Mississippi floodwaters.

Client Organizations: Atchafalaya Basinkeeper, Healthy Gulf, Louisiana Crawfish Producers Association-West, the Waterkeeper Alliance, and the Sierra Club Delta Chapter.

Science-Based Advocacy

Community Engagement & Science-Based Advocacy Program

Our Community Engagement & Science-Based Advocacy Program focuses on three main areas: providing technical input into TELC legal cases, filling knowledge gaps by conducting independent scientific research, and empowering communities with data and information that support their goals. As leaders in the field of environmental health research, our science team also regularly gives invited talks to communities, students, and advocacy groups.

Our ERLI Notice initiative, led by TELC Researcher Gianna St. Julien, aims to provide the earliest possible notice of proposed industrial development projects to groups who are working to protect Louisiana communities from industrial pollution. Our other capacity-building efforts help communities learn 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.



ABOVE: TELC Staff Scientist, Dr. Kimberly Terrell (third from left) after speaking on a panel with TELC client Jo Banner (back row, center) and two survivors of the 1984 Bhopal gas tragedy: Farhat Jahan (back row, right) and Bati Bai Rajak (back row, third from right). The panel was organized to commemorate the 40th anniversary of the tragedy and to explore the commonalities among environmental challenges worldwide.

Science-Based Advocacy

Peer-Reviewed Study Links Air Pollution with Elevated Rates of Low Birthweight and Premature Birth in Louisiana

In March 2024, the TELC science team, Dr. Kimberly Terrell and Gianna St. Julien, released a peer-reviewed study linking toxic air pollution with adverse birth outcomes in Louisiana, published in *Environmental Research: Health*.¹ The team analyzed birth data from the Louisiana Office of Vital Records and pollution data from the U.S. Environmental Protection Agency, in collaboration with Dr. Maeve Wallace, a reproductive epidemiologist from Tulane School of Public Health and Tropical Medicine. The analysis revealed that risks of low birthweight and premature birth were 36% and 25% higher, respectively, among severely polluted census tracts compared to those with good air quality. Socially disadvantaged tracts faced additional risks of these adverse birth outcomes (53% and 34%, respectively), separate and apart from the effect of air pollution. These risks compound to jeopardize the health of babies born in polluted and disadvantaged areas, where many of TELC's clients live.

This study is ranked in the top 5% for high impact scientific research articles by Altmetric, an independent organization that evaluates scientific impact based on multiple metrics. The study was mentioned by over a dozen news outlets and featured in PBS Newshour.²

¹Terrell and St. Julien, 2024. *Toxic air pollution and concentrated social deprivation are associated with low birthweight and preterm birth in Louisiana*. Full study: <https://iopscience.iop.org/article/10.1088/2752-5309/ad3084>

²<https://www.pbs.org/video/toxic-air-1713297160/>

RIGHT: Gianna St. Julien (left) and Dr. Kimberly Terrell (right) after presenting their research at Morehouse School of Medicine's 2024 Frontiers in Environmental Science & Health Workshop.



Science-Based Advocacy

Bringing Scientific and Technical Expertise to Legal Advocacy

Our science team provides input on most TELC cases, including lawsuits, comments, and even some public records requests. For example, the team helped identify technical red flags in St. Charles Clean Fuel's air permit application and provided key information about the project's potential economic impacts for the comments TELC submitted on behalf of the clients. This information includes St. Charles Parish statistics from the team's recent analysis of demographic data for the U.S. petrochemical workforce from the Equal Employment Opportunity Commission (EEOC) and industrial tax exemption data from the Louisiana Economic Development database. The study is currently in the final stages of peer review at *Ecological Economics*.

In addition to providing technical input, the science team helps TELC student attorneys build technical knowledge that will serve them well in their future careers. The team often teaches student attorneys where to find state environmental permitting information, emissions inventories, emissions-based health risk estimates, and air monitoring data, as well as how to interpret the data. This access to in-house technical expertise, combined with the TELC's long and distinguished history, make Tulane an appealing option for aspiring environmental attorneys.

RIGHT: Gianna St. Julien, TELC Scientific Researcher and Community Engagement Specialist, with Kimbrelle Eugene-Kyereh, an Elkinsville community leader and founder of Refined Community Empowerment, along with Student Attorneys Winnie Bomar, Sidra Hanson, and J.R. Greenwalt.



Science-Based Advocacy

Engaging with Students, Communities, & Advocates

Our science team is regularly invited to give talks to community members, advocates, students, and faculty. Some of the events that our science team presented at over the past year include:

- **Southwest Louisiana Environmental Health Summit**, Lake Charles, LA, October 2023.
- **University of Louisiana Lafayette's inaugural Sustainability Summit**, Lafayette, LA, April 2024.
- **RISE St. James University workshop** on public engagement in environmental permitting (remote), May 2024.
- **Morehouse School of Medicine's Frontiers in Environmental Science and Health Workshop**, Atlanta, GA, June 2024.
- **EPA's National Ambient Air Monitoring Conference**, New Orleans, LA, August 2024.
- **Tulane School of Public Health's Epidemiology Departmental Seminar**, New Orleans, LA, September 2024.
- **Southeastern Louisiana University's Chemistry & Physics Departmental Seminar**, Hammond, LA, September 2024.
- **Concerned Citizens of St. John Community Brunch**, Reserve, LA, October 2024.
- **Interdisciplinary Environmental Association 29th Annual Conference Keynote Address** (remote), November 2024.
- **Environmental Justice and Zero-Emission Ports Workshop**, co-organized by Fast Ports Campaign and Rise St. James, hosted by Tulane ByWater Institute, New Orleans, December 2024.

Throughout the year, our science team met with numerous environmental groups and communities to provide technical expertise in support of their goals.

These groups include:

Concerned Citizens of Mossville
Concerned Citizens of St. John the Baptist Parish
Descendants Project
Environmental Integrity Project
Green Army
Healthy Gulf
Inclusive Louisiana
Louisiana Against False Solutions
Louisiana Bucket Brigade
NO-Formosa Coalition
Refined Community Empowerment
Rise St. James
Sierra Club
Stop the Wallace Grain Elevator

RIGHT: Staff Scientist Dr. Kimberly Terrell (right) with TELC client Kimbrelle Eugene Kyereh (center) and Tricia Cortez (left) after meeting with participants of the Water Equity and Climate Resilience Caucus Tour of Cancer Alley in March 2024.



Clinical Faculty and Staff

Our staff includes four licensed attorneys (including TELC's Director), two science staff, and an administrative assistant. Our attorneys supervise law students and ensure that our clients receive diligent and zealous representation, while the science team works to empower communities by providing training and technical information to support the legal work related to their environmental goals. Our office administrator supports the work of the entire Clinic.



Lisa Jordan
Clinic Director

J.D., Loyola University
L.L.M., Energy & The
Environment, Tulane
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Joined TELC in 1996



Kimberly Terrell
**Staff Scientist &
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Devin Lowell
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Gianna St. Julien
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Lauren Godshall
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Joined TELC in 2019
Now with Earthjustice

Thank You

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Organizations

DEER CREEK FOUNDATION
ROCKEFELLER FAMILY FUND
TIDES FOUNDATION

Individuals

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C. Russell and Michelle Shearer
Emily Russell Bittner
Catherine Barrett
Dalton Luke

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Stacy Seicshnaydre, Daniel Senentz, Saia Smith, Todd Stamps, and Treb Winegar.

BACK COVER: Student Attorneys Katie Schimmel, Matthew Gaar, Andrea Wright, Peter Ellinger, and Thomas Miller with
TELC Director Lisa Jordan, and their clients, Dean Wilson and Monica Fisher, representing the Atchafalaya Basinkeeper.

