

# ABOVE EXPECTATIONS & BEYOND THE SEMESTER



**Tulane Environmental Law Clinic**  
*Academic Year in Review 2022–2023*

# From the Director



Dear Friends,

The 2022-2023 academic year offered an invaluable lesson for our clinic students: to fight issues as entrenched as environmental injustice and regulatory capture, settle in for the long haul and have a deep keel. The problems our clients face did not develop overnight and will not be resolved by a single lawsuit. Each class of student attorneys witnesses the many obstacles our clients face along the legal and political paths to resolution.

Sometimes litigation will win the day. The massive proposed Formosa Plastics facility has yet to be built in St. James due to multiple lawsuits, one of which resulted in a favorable Louisiana district court ruling in September 2022. Our students and staff were honored to have contributed to that victory. Sometimes the clients' political advocacy will turn the tide. This year, Gordon Plaza residents were finally relocated off of a Superfund site after they convinced the City of New Orleans to fund and implement a buyout. These residents pursued every advocacy tool available to them, including our Clinic's legal representation. Both of these successes demonstrate that the most effective approach combines multiple avenues of advocacy and requires a long-term commitment.

In the often-hostile political environment here in Louisiana, our model has its benefits: enthusiastic and talented students tackle issues and make progress, then pass the baton to the next class of passionate students to advance the ball. Making no apologies for the mixed metaphors, we continue to run the marathon.

With gratitude,

Lisa Jordan

A handwritten signature in black ink that reads "Lisa W. Jordan". The signature is written in a cursive, flowing style.

**“What happened here shows the possibilities that if it happened here with us, it can happen anywhere. When we fight, we win.”**

*Jesse Perkins, Gordon Plaza Resident,  
on the successful relocation of his community.*

LOUISIANA STATE  
COURT  
OF  
APPEAL  
FOURTH CIRCUIT

SUPREME  
COURT  
OF  
LOUISIANA



# Special Feature

## The Formosa Plastics Case: Eight Semesters and Counting

Most environmental challenges aren't resolved in one semester.

When our Clinic takes on a case, multiple student attorneys are usually involved in seeing it through to the end. In February 2020, we filed an intervention on behalf of a St. James resident to oppose the construction of a new plastics plant in her predominantly Black, historic community in St. James Parish, where there are already over a dozen large industrial plants. This massive plant, which would be built by Taiwan-based Formosa Plastics, would more than double the toxic level of air pollution in St. James Parish.

Seven students have worked on the Formosa Plastics case since Spring 2020, most for multiple semesters. In September 2022, a Louisiana district court ruled in our client's and co-plaintiffs' favor and vacated Formosa Plastics' air permit. The LDEQ and Formosa immediately appealed this decision to the Louisiana First Circuit Court of Appeal. A ruling is expected in early 2024.

Here we highlight the perspectives of students who worked on the Formosa Plastics case. The pending decision will have real-world consequences for our client and others in the community. Our students and former students remain deeply invested in the outcome of this case.



**Lisa Diaz**  
Staff Attorney,  
Sierra Club  
Class of 2020

*“My experience working on this case and with our client inspired me to want to fight for communities who are often overlooked and forgotten—it ultimately set the course for my career.”*



**Julie Meaders**  
Associate Attorney, Lugenbuhl,  
Wheaton, Peck, Rankin & Hubbard  
Class of 2020

*“Working on the Formosa air permit case was one of the most meaningful experiences I had in law school. I helped brief the deficiencies in LDEQ’s environmental justice analysis and successfully argued a related motion. That experience gave me both confidence and credibility as a litigator right out of law school.”*



**Tasia Kastanek**

Asst. Regional Counsel,  
EPA Region 5  
Class of 2021

“It was invaluable to work with the team on drafting the brief and to represent our client in a hearing. Developing my skills in oral advocacy and legal writing helped prepare me for my current work as an attorney for the EPA.”



**David Ivy-Taylor**

Associate Attorney,  
Kanner & Whiteley LLC  
Class of 2022

“Working on Formosa was the highlight of my time at Tulane. I’m lucky to have gotten so much experience so early in my career, but the best part was being a part of the good fight.”



**Bryn Sarner**

Licensed Louisiana  
Attorney  
Class of 2022

“It was an honor to work alongside such a robust group of grassroots organizers on this case. It made me realize how paramount it is as attorneys to be brave, to challenge the legal system that has allowed cancer alley to persist, and to always find a way to work towards a ‘yes’ for the client even if it is unprecedented.”



**Brianna Thurman**

Student  
Tulane Law School  
Class of 2024

“LDEQ has a responsibility to communities in Louisiana to act in a way that is just and reasonable. It has been an honor to be a part of a team that’s worked so hard to hold the agency accountable when it failed in its duty to protect the public.”



**Kyle Mack**

Student  
Tulane Law School  
Class of 2024

“I worked on an appellate brief challenging LDEQ’s approval of Formosa’s chemical complex. This experience underscored the potential, and the role, of the judiciary to correct historical inequities and protect vulnerable communities from disproportionate environmental burdens.”

# 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 800 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 historically marginalized people fighting for environmental justice.

**852** Student attorneys  
graduated since 1989



ABOVE: Student attorneys Steven Moctezuma and Charles Lally at the Tulane Environmental Law Clinic preparing for an oral argument.



# Class of 2022-2023

## Students

### FALL 2022

Domenica Borja, Alex Breaux,  
Elizabeth Cowan, Jade Davis,  
Matthew Elliott,  
Emily Hager, Edith Hanly,  
Jack Hawkins, Allie Hingle,  
Samuel Hudgens,  
Judith Kang, Alex Keiser,  
Hannah Keller, Charles Lally,  
Annie Matthews, Steven Moctezuma,  
Hong Ngoc Nguyen, Clarke Perkins,  
Andrew Pomaville, Zoe Vogel,  
Ingrid von Kleydorff, Abigail Waag

### SPRING 2023

Cameron Cerf, Elizabeth Cowan,  
Hannah Davis, Matthew Elliott,  
Matthew Gaar, Austin Halperin,  
Edith Hanly, Jack Hawkins,  
Allie Hingle, Samuel Hudgens,  
Alex Keiser, Hannah Keller,  
Thomas Miller,  
Hong Ngoc Nguyen,  
Cameron Ott,  
Andrew Pomaville,  
Kathryn Schimmel,  
William Veazey, Zoe Vogel,  
Josiah Wolf, Andrea Wright



Fall 2022 Student attorneys after their swearing-in ceremony.



# Research Assistants & Interns



## **SUMMER 2023 RESEARCH ASSISTANTS:**

Russel Swensen, Victor Sorescu, and Caroline Poche

**121** research assistants & interns mentored since 2002.

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 Clean Environments and Healthy Communities

Louisiana has among the highest pollution levels of any U.S. state and accounts for 80% of the nation's coastal wetland loss.<sup>1</sup> Over 50,000 miles of pipelines criss-cross the state, dissecting sensitive wetlands and disrupting their hydrological function.<sup>2</sup> More than 700 sources of industrial pollution operate in Louisiana, including chemical plants, oil refineries, pipeline compressor stations, and paper mills.<sup>3</sup> Collectively, these sources release about 200 million pounds of toxic pollutants into our air, water, or soil each year.<sup>4</sup> 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 among black and low-income residents in Louisiana.<sup>5</sup> Ongoing industrialization is exacerbating and perpetuating this injustice, as these communities continue to be targeted for new petrochemical facilities.

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 citizens seeking to hold companies accountable for illegal pollution, as well as residents opposing the construction of new, toxic facilities near their homes.

This report details the activities, challenges, and successes of the Tulane Environmental Law Clinic from August 1, 2022 through July 31, 2023. Because most of our cases last beyond a semester, you can learn more about the foundations of our current work from previous annual reports, available at <https://law.tulane.edu/clinics/environmental>.

<sup>1</sup>USGS. *Louisiana's Wetlands: A Resource at Risk*.  
<https://pubs.usgs.gov/fs/la-wetlands/>. Accessed Dec 21, 2023.

<sup>2</sup>Louisiana Department of Natural Resources.  
<http://www.dnr.louisiana.gov/index.cfm/page/150>. Accessed Dec 21, 2023.

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

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

<sup>5</sup>*Terrell and St. Julien*. 2022. DOI: 10.1088/1748-9326/ac4360.

FOLLOWING PAGE: Student Attorneys Kyle Mack, Jack Hawkins, Sam Hudgens, Judith Kang, Domenica Borja, Abigail Waag, with Supervising Attorney Lauren Godshall (far right) and a local crawfisherman (second from right) at his camp in Grand Lake, Atchafalaya Basin.



## LDEQ Adds New Monitoring Requirements for Steel Plant; EPA Pushes for Even Stronger Protections

May 5 and June 16, 2023

After years of violating its permit limits and emitting excessive amounts of sulfuric acid and other toxic pollutants, Nucor Steel sought to increase the permit limits for its St. James, Louisiana facility. On behalf of our clients, we opposed Nucor's permit application and advocated for more stringent regulation of Nucor's toxic emissions, through multiple legal avenues before the Louisiana Department of Environmental Quality (LDEQ) and the U.S. EPA.

On May 5, LDEQ sent EPA the proposed Nucor air permit, which incorporated several major changes requested in the TELC comments, including annual stack testing for all pollutants and funding for community air monitoring in St. James Parish. In addition, LDEQ reduced the emissions limits for nitrogen oxides and hydrogen sulfide below Nucor's proposed limits.

On June 16, the EPA objected to the proposed permit on multiple grounds, including several issues raised by TELC. The EPA requested a more extensive environmental justice analysis and returned the proposed permit to LDEQ for redrafting.

*Client Organizations: Inclusive Louisiana and Louisiana Bucket Brigade.*



ABOVE: Student Attorney Hannah Keller (left) with St. James Parish community members in November 2022.

# Recent Successes

2022-2023

## LDEQ Orders End to Open Burning of Hazardous Waste in Colfax

June 30, 2023

In a victory for our clients, LDEQ ordered Clean Harbors Colfax to cease all open burning within 6 months. For decades, the Clean Harbors facility has disposed of military munitions and other types of explosives by burning these materials in open pits. It is self-described as “the only commercial operation of its kind in the United States.”<sup>1</sup> The nearby, rural community of Colfax has reported longstanding health issues, including respiratory problems and skin reactions, from exposure to the myriad toxic pollutants in the smoke emanating from this facility. Living near the facility is like living in a war zone, with the sounds of bullets, mines, and explosives being everyday occurrences.

The LDEQ initially released a draft renewal permit under the Resource Conservation and Recovery Act (RCRA) that would have allowed Clean Harbors to continue open burning for two years or, for certain types of waste, indefinitely. After two rounds of public input (January and May 2023), including extensive comments submitted by TELC, the LDEQ issued a final permit that required Clean Harbors to cease all open burning at its Colfax facility within 180 days.

<sup>1</sup>Clean Harbor website: <https://www.cleanharbors.com/location/colfax-facility>

*Client Organizations: Central Louisiana Coalition for a Clean and Healthy Environment and Louisiana Environmental Action Network.*



ABOVE: Student Attorneys Tom Mostellar and Alex Breaux (left) meet with individuals concerned about the open burning of hazardous, military waste in Colfax, Louisiana in April 2022.

# *New Lawsuits*

*2022-2023*



# New Lawsuits

2022-2023

## Lawsuit Seeks to End Discriminatory Patterns of Industrial Development in St. James Parish

Eastern District Court of Louisiana, filed March 21, 2023 (No. 23-00987)

On behalf of our client, and joined by additional groups and their counsel, we filed a federal lawsuit against St. James Parish alleging violations of our clients' constitutional rights from the parish's continued practice of targeting Black neighborhoods for new and expanding heavy industry. This discriminatory practice has resulted in 23 polluting industrial facilities in the parish's predominantly Black and mixed neighborhoods (based on LDEQ's 2023 emissions inventory). By contrast, not a single industrial facility is located in either of the two predominantly White neighborhoods (Paulina and South Vacherie).

As the lawsuit describes, confining toxic facilities to Black neighborhoods violates the 14th Amendment of the U.S. Constitution, which guarantees equal protection for all citizens. Through this lawsuit, our clients sought to end the parish's current discriminatory land use practices and invalidate parish approvals for two new facilities that would bring the total number of industrial plants in Black or mixed neighborhoods to 25.

In November 2023, a federal judge dismissed the lawsuit, primarily on the grounds that the statute of limitations had passed for bringing these claims. However, our clients continue to make progress towards justice in St. James Parish through other avenues, including a legal challenge against the air permit for one of these plants (see Formosa Plastics).

*Client Organization: Rise St. James*

PREVIOUS PAGE: St. James community members (foreground) at the press release outside the federal courthouse immediately after the lawsuit was filed.

RIGHT: Student attorneys Edith Hanly (left) and Allie Hingle (right) visit the proposed site of Formosa Plastics, one of the industrial plants addressed by the lawsuit.



## Residents Fight to Protect “One of the Last Remaining Unspoiled Waterways” from Drilling for Carbon Storage



July 3, 2023

On behalf of our clients, we submitted comments to the U.S. Environmental Protection Agency (EPA) asking the agency to retain authority for permitting the type of wells (Class VI) that would be used for carbon storage, rather than delegating that authority to the Louisiana Department of Natural Resources (LDNR). Our clients objected to LDNR’s request for that delegation, on the grounds that Louisiana agencies have a long track record of disregarding environmental justice and mismanaging the state’s natural resources. This mismanagement has resulted in a massive number of abandoned oil and gas production wells, a problem that remains unresolved, despite LDNR’s plan to take on a new well permitting program. If approved, a proposal by Air Products to drill under Lake Maurepas could be one of the first carbon storage wells permitted by LDNR in Louisiana. This proposal has drawn widespread opposition across Louisiana because of the recreational, subsistence, and ecological value of Lake Maurepas.

*Client Organizations: Lake Maurepas Preservation Society and Sierra Club*





Photo credit: Julie Dermansky

# Legal Advocacy

## Louisiana Communities Fight for Better Air Quality

April 13 and March 28, 2023

On behalf of clients across Louisiana, we submitted comments opposing the LDEQ's flawed 2023 Air Monitoring Network Plan. This plan would largely maintain the status quo for Louisiana's network of air monitoring sites, which fails to measure pollution levels in the vast majority of industrialized communities. Instead, the LDEQ has placed many of its monitors at sites located relatively far from pollution sources (e.g., City Park, New Orleans).

We also submitted comments to the EPA supporting the agency's proposal to adopt a more protective air quality standard for soot (also called fine particulate matter, or PM<sub>2.5</sub>). The current EPA standard is more than twice as high as the limit recommended by the World Health Organization. Soot is a common pollutant from industrial sources, vehicles, and fires.

Without air monitoring, residents cannot know whether pollution standards are being violated. And without appropriate pollution standards, monitoring will not protect people's health. By advocating for both comprehensive monitoring and protective standards, we hope to make progress towards our clients' goals of better air quality in Louisiana.

*Clients: Inclusive Louisiana, Central Louisiana Coalition for a Clean and Healthy Environment, Sierra Club, and Mossville community members.*



# Legal Advocacy

2022-2023

## Wallace Residents Push Back against Attempts to Downplay Impacts of Massive, Proposed Grain Terminal

October 31, 2022 and March 2, 2023

On behalf of our clients, we submitted comments to the U.S. Corps of Engineers to correct misleading information providing by Greenfield Louisiana LLC about its proposal to build a grain terminal in the middle of a residential area along the Mississippi River. If built, the massive facility would literally cast a shadow over a historic Black community. Our clients are deeply concerned about the noise, air pollution, and traffic from these operations. As a result of the proposed grain terminal, the West Bank of St. John the Baptist Parish was listed as one of the 11 Most Endangered Historic Places for 2023 by the National Trust for Historic Preservation.<sup>1</sup> Our comments will inform the Corps' decision whether to grant Greenfield a wetlands (404) permit, through a consultation process required by Section 106 of the National Historic Preservation Act.

<sup>1</sup><https://savingplaces.org/stories/11-most-endangered-historic-places-2023>

*Client Organizations: Stop the Wallace Grain Terminal, Concerned Citizens of St. John, Louisiana Bucket Brigade, and Sierra Club*



ABOVE: Student attorneys Austin Halperin (left) and Hong Nguyen (right) with a community leader from St. John the Baptist Parish.

# Legal Advocacy

2022-2023

## Baton Rouge Residents Fight to Retain Victory over Noise Pollution

October 26, 2022

On behalf of our clients, we submitted a letter to the Baton Rouge Mayor and the Permits and Inspections Office regarding longstanding concerns over disruptive noise from a commercial printing operation. The heavy machinery used by the company for materials transport was preventing residents from sleeping, significantly impacting their health and quality of life. In the face of a growing public outcry, the company moved to another location. Our letter sought to ensure that any future tenant of the building operates in a manner consistent with local zoning ordinances, which are intended to protect this residential area.

*Client Organization: Melrose Place against Nuisances*

## Fishermen Seek Accountability for Unpermitted, Destructive Project

August 26 and September 17, 2022

On behalf of our clients, we submitted comments to the U.S. Army Corps of Engineers and the Mississippi River Commission related to a project that illegally dammed Pat's Throat Bayou without a permit. The dam was built by Benjamin Miller and Miller Hunting Club to access additional hunting grounds. As a result of this ecologically-destructive project, local fishermen can no longer access productive fishing sites, and the natural flow of water essential to sustain aquatic wildlife like crawfish has been impeded. After the Atchafalaya Basinkeeper exposed this unpermitted activity, the Corps granted Benjamin Miller an after-the-fact authorization, without issuing public notice or taking public comment.

*Client Organizations: Atchafalaya Basinkeeper, Louisiana Crawfish Producers Association-West, and Healthy Gulf*



ABOVE: Student attorney Judith Kang provides comments on behalf of the Atchafalaya Basinkeeper and others at a public hearing in Iberville Parish in December 2022.

# Legal Advocacy

2022-2023

## Wetlands Expert Exposes Fatal Flaws in “Restoration” Project for East Grand Lake

September 13, 2022

On behalf of our clients, we commissioned an expert report about a misguided “ecological enhancement” project in East Grand Lake (Atchafalaya Basin). The project, proposed by the Coastal Protection and Restoration Authority, purports to improve water quality by altering hydrological flow across 5,000 acres of wetlands. The expert concluded that this project would have the opposite of its intended effect, causing sediment built-up and eutrophication. We provided this report with supporting comments to the Corps, as well as during related public hearings by the Mississippi River Commission (August 26, 2022) and the Louisiana Department of Environmental Quality (December 6, 2022 and January 9, 2023).

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

RIGHT: Student Attorneys Abigail Waag, Emily Hager, and Judith Kang with Supervising Attorneys and Atchafalaya Basinkeeper after providing oral comments at the Mississippi River Commission meeting.



# Legal Advocacy

2022-2023

## 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" and "Open Meetings" 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. Or we may help our clients hold their elected officials accountable for secret decision-making through Open Meetings lawsuits. By tackling these issues, we help our clients effectively advocate for their interests before governmental decision-makers.



ABOVE: Student Attorneys Cameron Cerf (second from left) and Hannah Keller (third from right) with Supervising Attorneys and St. James Parish community members after appearing in court for an Open Meetings lawsuit in St. James Parish, Louisiana.

## Local Fishermen Fight for Public Documents about an Ecologically-Destructive Project in the Atchafalaya Swamp

November 17, 2022

On behalf of our clients, we filed an administrative appeal challenging the U.S. Army Corps of Engineers' decision to withhold public documents about an after-the-fact authorization to obstruct Pat's Throat Bayou. The Corps' decision was based on an unsupported claim that these documents were exempt from the Freedom of Information Act (FOIA). We had previously submitted a FOIA request for these documents on behalf of our clients, who were seeking public information about the basis for the Corps' decision to allow the permittee to obstruct Pat's Throat Bayou. This bayou is an important navigable waterway for local fishermen and wildlife. The permittee filled a portion of this bayou in an attempt to create easy access to hunting grounds, but the result has been to permanently degrade and block access to this wetland habitat, with negative impacts to both people and wildlife. On December 13, 2022, the Corps granted the administrative appeal and released the withheld documents in their entirety.

*Client Organizations: Atchafalaya Basinkeeper, the Louisiana Crawfish Producers Association – West, and Healthy Gulf.*



ABOVE: Student Attorneys Micah Carper, William Montgomery, Aislyne Calianos, and Jade Pemberton with the Atchafalaya Basinkeeper (far right), who is fighting for the release of public documents related to the U.S. Army Corps of Engineers' mismanagement of this ecosystem.

# Legal Advocacy

2022-2023



## Public Records Requests

During the 2022-2023 academic year, we submitted 33 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.**

LEFT: Student attorneys Domenica Borja and Jack Hawkins in front of the Eastern District federal courthouse after appearing before the court in a case involving the release of public records under FOIA. Public records played a vital role in this case because the Corps' long delays and failures to respond to numerous document requests seriously impeded the clients' ability to achieve their goal of protecting the Atchafalaya Basin.

## Issues Addressed by TELC Public Records Requests

- Air dispersion modeling
- Air monitoring & permitting
- Archeological studies
- Emissions reporting
- Environmental impact statements
- Environmental standards & violations
- Government contracts
- Industry-regulator communication
- Noise complaints
- Permit exemptions
- Public notice
- Soil contamination
- Superfund site maintenance
- Water quality monitoring
- Wetlands degradation
- Wetlands mitigation & restoration
- Wetlands permitting
- Zoning



# Legal Advocacy

2022-2023



ABOVE LEFT: Student Attorneys Hong Nguyen and Ingrid von Kleydorff discussing the Greenfield grain terminal case with Supervising Attorney Devin Lowell at Tulane Environmental Law Clinic.

ABOVE RIGHT: TELC Director, Lisa Jordan (center), at a Tulane University event with two clients from Wallace, Louisiana.

LEFT BOTTOM: Cameron Ott, Alex Keiser, and Matthew Elliott in front of the Fourth Circuit Court of Appeal after arguing on behalf of the Residents of Gordon Plaza.



# Science-Based Advocacy 2022-2023

## 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.

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), with members of Inclusive Louisiana, Rise St. James, Green Army, and Greater New Orleans Interfaith Climate Coalition after providing expert testimony at the request of Green Army at the Baton Rouge Capitol in April 2023.

# Science-Based Advocacy 2022-2023

## Peer-Reviewed Study Links Racial Disparity in Air Pollution to Discriminatory Practices in Industrial Permitting

In January 2023, Dr. Kimberly Terrell (TELC Staff Scientist) and Gianna St. Julien (TELC Researcher) published a study about Louisiana's pollution problem in *Environmental Challenges*, a peer-reviewed scientific journal.<sup>1</sup> The analysis found that industrial emissions were between 7 times and 21 times higher, depending on the pollutant, in communities of Color compared to predominantly White communities. Contrary to claims by the Louisiana Department of Environmental Quality, this pollution disparity was not explained by the location of industrial infrastructure (e.g. pipelines, railways, or the Mississippi River). Based on these and other findings, the researchers concluded that LDEQ's permitting program has a discriminatory effect of subjecting communities of Color to higher levels of harmful pollution.

<sup>1</sup>Terrell and St. Julien, 2023. *Discriminatory Outcomes of Industrial Air Permitting in Louisiana, United States*.  
<https://doi.org/10.1016/j.envc.2022.100672>

RIGHT: Gianna St. Julien (left) and Dr. Kimberly Terrell (right) present the results of two recent studies at the National Environmental Health Association's annual meeting in New Orleans.



# Science-Based Advocacy 2022-2023

## 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 the most effective dataset for assessing the disproportionate pollution burden in St. James Parish as part of the moratorium lawsuit (see New Lawsuits) and created a supporting map to illustrate this burden relative to the area's racial demographics. The team has also provided extensive technical input related to the Formosa Plastics case featured in this report. For example, they exposed LDEQ's use of outdated (2011) pollution data in the agency's original environmental justice analysis. This fact, combined with a successful argument by a TELC Student Attorney, resulted in a June 2021 court ruling that LDEQ redo its environmental justice analysis. Additionally, the science team helps TELC Student Attorneys develop skills and knowledge that can serve them throughout their careers, for example, how to access various EPA databases or how to effectively communicate the difference between health risks and health outcomes.



RIGHT: Gianna St. Julien (left) and Dr. Kimberly Terrell (right) at the Tulane Law Library.

# Science-Based Advocacy 2022-2023

## Engaging with Communities, Advocates, and Students

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:

Central Louisiana Interfaith Climate Coalition  
Climate Reality  
Concerned Citizens of Mossville  
Concerned Citizens of St. John the Baptist Parish  
Descendants Project  
Environmental Integrity Project  
Green Army  
Healthy Gulf  
Inclusive Louisiana  
Louisiana Bucket Brigade  
NO-Formosa Coalition  
Rise St. James  
River Ridge Community Association  
Save our St. Bernard Parish (SOS)  
Sierra Club  
Stop the Wallace Grain Elevator  
Together Louisiana

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:

- OXIHHER Speaker Series, Xavier University, New Orleans, September 2022.
- Panel on Environmental Justice, American Planning Association Annual Meeting, New Orleans, November 2022.
- Louisiana Academy of Sciences (remote), February 2023.
- Tulane Environmental Law Summit, New Orleans, March 2023.
- Science Action Network (remote), April 2023.
- Frontiers in Environmental Science and Health Workshop, Morehouse School of Medicine, Atlanta, GA, June 2023.
- Physicians for Social Responsibility Pennsylvania (remote), June 2023.
- National Environmental Health Assn. Annual Meeting, New Orleans, July 2023.



RIGHT: Tulane Environmental Law Clinic Student Attorneys.

# Clinical Faculty and Staff

Our staff includes four licensed attorneys, two scientists, and an administrative assistant. Our attorneys supervise law students and ensure that our clients receive diligent and zealous representation. Our scientists lead the Clinic's Community Engagement Program and work to empower communities by providing training and technical information related to their environmental goals. Our administrative assistant supports the work of the entire Clinic.



**Lisa Jordan**  
**Clinic Director**  
J.D., Loyola University  
L.L.M., Energy & The  
Environment, Tulane  
University  
Joined TELC in 1996



**Clara Potter**  
**Supervising Attorney**  
J.D., New York University  
School of Law  
Joined TELC in 2023



**Kimberly Terrell**  
**Director of  
Community  
Engagement**  
Ph.D., University of  
New Orleans  
Joined TELC in 2018



**Lauren Godshall**  
**Supervising Attorney**  
J.D., New York University  
Joined TELC in 2019



**Devin Lowell**  
**Supervising Attorney**  
J.D., Tulane University  
Joined TELC in 2020



**Gianna St. Julien**  
**Community Engagement  
Specialist**  
B.S., University of  
Louisiana Lafayette  
Joined TELC in 2020



**Pamela O'Malley**  
**Office Administrator**  
B.A., University of  
New Orleans  
Joined TELC in 2021

# Thank You

Our program depends in large part on funding from private grants and donations.

**We thank our funders for their support.**

**Without them, our work would not be possible.**

## Organizations

DEER CREEK FOUNDATION  
MCKNIGHT FOUNDATION  
OVERBROOK FOUNDATION  
ROCKEFELLER FAMILY FUND  
TIDES FOUNDATION

## Individuals

JOSEPH and ALLISON MCGLINCHEY  
ADAM and CHERYL BABICH  
MICHELE MERKEL and CHRISTOPHER PEAK  
DEANNA HILL ARCEMENT  
RASHAD ARCEMENT

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