

Environment & Energy

Formosa Plastics' Permits for Louisiana Plant Revoked by Court

By Zach Bright

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- Decision reverses state environmental agency decision
 - Plant would have been in state's 'Cancer Alley'
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Formosa Plastics Corp.'s plans to build a petrochemical complex in Louisiana were disrupted after a district court revoked air permits granted by the state environmental department.

Louisiana's 19th Judicial District Court Parish of East Baton Rouge sided with petitioners represented by Earthjustice, agreeing that the Louisiana Department of Environmental Quality violated the Clean Air Act by granting air permits for Formosa Plastic Group's proposed \$9.4 billion chemicals manufacturing complex near Welcome, La.

"As permitted, the complex would emit large amounts of air pollutants, including soot, ozone-forming chemicals, toxic air pollutants, and greenhouse gases," the court said. The site is in the state's "Industrial Corridor" and borders Welcome, a small community whose population is 99% minorities, most of whom are Black.

Judge Trudy M. White vacated air permits, finding errors in the agency's analysis that prejudiced the constitutional rights of the petitioners under Article IX Section 1 of the Louisiana Constitution, which guarantees environmental and health protections.

The decision, docketed Wednesday, "forces LDEQ to abide by the Clean Air Act and its public trustee mandate and fully assess the impacts of the toxic pollution that Formosa Plastics Group would have greatly exacerbated in an overburdened Black community," said Corinne Van Dalen, a senior attorney at Earthjustice.

'David Has Toppled Goliath'

"Stopping Formosa Plastics has been a fight for our lives, and today David has toppled Goliath," said Sharon Lavigne, founder and president of RISE St. James—a faith-based grassroots group fighting for environmental justice. "The judge's decision sends a message to polluters like Formosa that communities of color have a right to clean air, and we must not be sacrifice zones."

The permits, first approved by the department in 2020, would have enabled FG LA LLC, a subsidiary of Formosa Plastics, to build a 2,400-acre project that would include 10 chemical manufacturing plants. The company must obtain permits through another review process in order to proceed with construction.

Janile Parks, director of community and government relations for FG LA LLC, said the company "respectfully disagrees" with White's conclusion.

"We believe the permits issued to FG by LDEQ are sound and the agency properly performed its duty to protect the environment in the issuance of those air permits," Parks said. "FG intends to explore all legal options in light of Judge White's ruling as the project continues to pursue successful permitting."

Mile From School

The project would have been located just one mile from an elementary school in St. James Parish. The predominantly Black parish is located in a region known as "Cancer Alley" along the Mississippi River.

The complex would have doubled or tripled the levels of cancer-causing pollutants in the area from existing plants, Earthjustice said in a release. The company's modeling showed that the air would have violated the EPA's limits for soot and ozone-forming nitrogen dioxide, both of which can lead to breathing disorders, it added.

The plant also would emit more than 13.6 million tons of greenhouse gases per year, the equivalent of 3.5 coal-fired power plants, the environmental law group said.

In 2020, LDEQ approved Formosa Plastics Group's application for 14 air permits. It received 15,500 public comments opposing them.

A month later, Earthjustice represented RISE St. James, Louisiana Bucket Brigade, Healthy Gulf, No Waste Louisiana, Center for Biological Diversity, Earthworks, and the Sierra Club in an appeal challenging LDEQ's decision to approve air permits. Beverly Alexander, a St. James resident represented by the Tulane Environmental Law Clinic, intervened in the lawsuit to oppose the permits.

Another petrochemical complex, proposed by South Louisiana Methanol, was withdrawn from permitting review last week by the Louisiana Department of Environmental Quality. It would have been the largest methanol production facility in North America.

Earthjustice represented plaintiffs including RISE St. James and other local and national environmental groups in the appeal against the Louisiana Department of Environmental Quality.

The Sierra Club has received funding from Bloomberg Philanthropies, the charitable organization founded by Michael Bloomberg. Bloomberg Law is operated by entities controlled by Michael Bloomberg.

The case is Rise St. James v. Louisiana Dep't of Env'tl. Quality, La. Dist. Ct., No. 694,029, 9/8/22.

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 **Documents**

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