

Groups blast 'corrupt situation' tied to La. civil rights probe

By Sean Reilly

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When Louisiana state officials last year sought outside legal help to handle civil rights complaints filed with EPA, they turned to a law firm that was already representing a petrochemical company with a direct stake in the outcome, records show.

Under [a one-year contract](#) signed last November, Louisiana Attorney General Jeff Landry's (R) office agreed to pay the firm of Breazeale, Sachse and Wilson LLP up to \$150,000 for help to address complaints brought by advocacy groups against the state's Department of Environmental Quality on the grounds that its permitting policies were disproportionately exposing Black communities to harmful air pollution.

Among those policies, [one complaint alleged](#), was the department's 2020 approval of air permits for Formosa Plastics Group to build a new complex in St. James Parish that would emit hundreds of tons of toxic air pollutants near majority-Black communities.

But two of the same Breazeale attorneys — John King and Timothy Hardy — named in the state contract are also representing Formosa as it appeals [a state judge's decision last September](#) overturning those approvals, according to [a recent filing](#) with the Louisiana First Circuit Court of Appeal.

"It's a pretty corrupt situation, isn't it?" Anne Rolfes, director of the Louisiana Bucket Brigade, one of the groups challenging the permits, said in a Thursday interview. Landry "should have understood very clearly that there is a conflict of interest," Rolfes added later. "I think a dedicated public servant would have steered clear of this firm."

The state is paying both King and Hardy \$400 an hour, the contract indicates. An employee for the Breazeale firm, based in Baton Rouge, referred questions for Hardy late Thursday to Landry's office, where a spokesperson did not reply to email queries asking about the rationale for hiring the firm as well as what services its attorneys have provided and the conflict-of-interest allegations. King also did not reply to phone and email messages. Landry, now in his second term as attorney general, is currently running for governor.

After his office in May filed a federal lawsuit challenging EPA's authority to investigate allegations of "disparate impact" under Title VI of the 1964 Civil Rights Act, the federal agency [abruptly ended its probe](#) of both the Louisiana Department of Environmental Quality and the Louisiana Department of Health the next month. That move came despite previously finding evidence that their policies inequitably harmed Black residents in St. James Parish and other parts of the heavily industrialized corridor along the Mississippi River often dubbed "Cancer Alley."

At the Tulane Environmental Law Clinic, which represented the Bucket Brigade and other groups in the civil rights complaint, Director Lisa Jordan stopped short of calling Breazeale's concurrent work for both the state and Formosa a conflict of interest. But she voiced concern that it might have put "another monkey wrench" in the potential for reaching a resolution.

"I don't see how you can take hats off and on," Jordan said Friday.

The Tulane clinic obtained the contract and other documents related to Breazeale's work through records' requests with the state and shared them with E&E News. They were [first reported Thursday](#) by *The Guardian* news outlet.

The records also show that an attorney in EPA's civil rights office flagged the arrangement earlier this year. After noting that EPA had received objections to King's participation in talks to informally settle the complaints, Julia Rhodes wrote in a February email that she understood that Landry's office had addressed the "potential dual representation issue."

But in the email, addressed to King, Hardy and other participants, Rhodes added that EPA was concerned about preserving the integrity of the Title VI process.

"As a result, having the legal representative of a facility participate in this process potentially may create a perception in the community and the public generally that any informal resolution agreement resulting from our hard work together should not be trusted and/or should be questioned," she wrote. "So, we invite you to provide input or suggestions for how to address this potential perception, preserve the integrity of this civil rights complaint process and to shore up trust in the process for all."

What happened next is unclear. Rhodes referred questions Friday to EPA's press office, where staffers did not immediately provide responses.

Jordan, however, said she understood that EPA got "an empty assurance" that the Breazeale lawyers would not share any information gleaned in the negotiation process with Formosa.

Still pending is [a federal lawsuit brought in March](#) against the St. James Parish governing council and planning commission seeking to void a land use plan that allegedly steers heavy industrial development to two predominantly Black areas. The suit was filed in the U.S. District Court for the Eastern District of Louisiana; defending the council and commission are King and other Breazeale attorneys, court records show.