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Judge drops suit since Corps reconsidering plastics complex

By JANET McCONNAUGHEY January 6, 2021

NEW ORLEANS (AP) — A federal judge has dismissed a challenge to a Taiwan-based conglomerate's plans for a \$9.4 billion plastics complex in Louisiana because the Army Corps of Engineers is reconsidering its permit.

Formosa Plastics Group plans to build 10 chemical plants and four other major facilities in Welcome, where the Census Bureau estimates that nearly 97% of the 880 residents are Black. The Corps said in November that it will study five possible sites in a predominantly white area that were omitted from earlier analysis because of incorrect predictions that they wouldn't meet air quality standards.

"This is a big win for opponents of Formosa Plastics. Our lawsuit forced the Corps to suspend and reevaluate its permit decision for this massive super-polluting petrochemical complex," Julie Teel Simmonds, attorney for the Center for Biological Diversity, wrote Wednesday.

U.S. District Judge Randolph Moss wrote Friday that, "although a close question, the Court agrees with the Corps" and FG LA LLC, the Louisiana member of Taiwan-based Formosa Plastics Group, that it makes more sense to dismiss the case rather than keep it in court while the Corps reconsiders.

FG LA is pleased that the suit is over "in light of the Corps' decision to perform further limited analysis," said the company's community and government relations director, Janile Parks.

"FG continues to cooperate with the Corps throughout this process and sincerely hopes the permit reevaluation will be handled in a thorough and expeditious manner so the permit analysis will be even stronger once the reevaluation is complete," she wrote in an email Wednesday.

In a separate lawsuit challenging 14 air quality permits approved by Louisiana's Department of Environmental Quality, a state district judge ordered the department on Dec. 14 to take public comment and redo its environmental justice analysis. The permits remain in effect, she noted.

“Conclusions without analysis is not enough. Show me the data on review. Show me the science,” District Judge Trudy White told attorneys during a Nov. 18 hearing, according to a transcript provided by [Earthjustice](#). The group filed that suit for Rise St. James, the Louisiana Bucket Brigade and other groups including the Sierra Club.

She also said that she trusts that the department will “exercise its institutional power and balance the competing interest of the people of Louisiana. The people of Louisiana in this case, primarily being the citizens of Welcome.”

Teel said the Center for Biological Diversity, Healthy Gulf, the Louisiana Bucket Brigade and Rise St. James are ready to go back to court “to block this monstrous project” if the Corps again approves Clean Water Act permits, whether at the current site in St. James Parish or in predominantly white Ascension Parish.

The week after the Corps suspended the water permits, Teel [wrote](#) to the Corps, saying it “should meaningfully consider the role that systemic racism and racial bias may have played in its decision to approve a project of this size and scope in an environmental justice community.”

Ascension Parish is 72.6% white; St. James Parish is nearly 48.8% Black, according to the U.S. Census Bureau.

The Center also called for a full environmental impact statement, which was not done earlier.