
Indictment tells dirty secrets about Alabama environmental regulator



By [John Archibald | jarchibald@al.com](#)

[Email the author](#) | [Follow on Twitter](#)

on October 01, 2017 at 6:30 AM, updated October 01, 2017 at 6:32 AM

This is how it works.

Not how it's supposed to work. But how it works.

A tidbit in Thursday's bribery and conspiracy indictment of two Balch & Bingham lawyers and a Drummond Co. exec tells the story. It's tangential to the bribery of Oliver Robinson, overlooked by all but the most interested or attentive, but it puts it all out there.

Like the trash.

It describes the events of December 2014, when an exec at the Birmingham air quality group Gasp was to appear before the Alabama Environmental Management Commission - the body that oversees the regulatory Alabama Department of Environmental Management. She wanted to talk about the need to expand a north Birmingham Superfund site to clean up toxins in poor communities.

That exec, Stacie Propst, sent a Powerpoint presentation to AEMC in advance of the meeting. It was apparently leaked to Joel Gilbert, one of the Balch lawyers charged Thursday. Gilbert represented coal giant Drummond Co., which would have had to pay for cleanup if the Superfund expanded.

Here's what [Thursday's indictment](#) says:

"Gasp submitted a copy of its presentation to AEMC several days prior to the meeting. Defendant Joel Iverson Gilbert obtained a copy of Gasp's presentation prior to the AEMC meeting and caused talking points rebutting Gasp's presentation to be prepared and distributed to the AEMC Commissioners, intending that the Commissioners use the talking points during the meeting."

Let's just make sure we understand that completely.

A group worried about health consequences in a poor, polluted area made plans to speak to a state regulator that could help speed cleanup in the area, and the regulator leaked her argument straight to a lawyer who represented polluters in the area.

And he prepared them for battle.

So Propst walked headlong into a buzz saw. She was, according to videos and minutes of the meeting, greeted with tough questions about data, degrees of health danger and whether you'd have to have a condition that makes you eat dirt to be harmed in a place the feds say has elevated levels of arsenic, lead, and benzo(a)pyrene.

Commission Chairman Lanier Brown said he did not recall getting anything "directly from Joel," but said "When things reach a certain hot point we get emails from all directions."

He said he didn't know how Gilbert got the presentation, but said he didn't see anything wrong with it because the commission often seeks input from others.

"I don't think there is ever anything wrong with any commissioner receiving any information about an issue from anyone as they see fit," he said.

Instead of sincere questions from a board that's supposed to care about Alabama's health, Propst got cross-examination prepared by lawyers for the polluters. If the commission asked for and got that ammo from Gilbert, it shows what they cared about.

Drummond. Not Alabama residents.

This is your environmental regulatory agency.

Michael Hansen, the current executive director at Gasp, said his organization learned of the leak in the indictment Thursday.

"The idea that a regulatory agency would share information from an advocacy organization like Gasp to the industry they're charged with regulating is outrageous," Hansen said. "It seems someone at ADEM was trying to give them an unfair advantage. I worry that this is just the tip of the iceberg and that the cozy relationship between regulators and industry in Alabama is much, much deeper than this."

I worry too. Because this is how it works. Not just at AEMC and ADEM but in city councils and county commissions across this state. In the Legislature, the governor's office and in regulatory bodies that are supposed to be looking out for your interests.

This is not how it's supposed to work.

John Archibald's column appears in The Birmingham News, the Huntsville Times, the Mobile Register and AL.com. Write him at jarchibald@al.com.

Alabama Environmental Management Commission, 12/12/14 by **John Archibald** on Scribd

Registration on or use of this site constitutes acceptance of our **User Agreement** and **Privacy Policy**

© 2017 Alabama Media Group. All rights reserved (**About Us**).

The material on this site may not be reproduced, distributed, transmitted, cached or otherwise used, except with the prior written permission of Alabama Media Group.

Community Rules apply to all content you upload or otherwise submit to this site.

Ad Choices