

Alabama Court of Civil Appeals Sides with Gasp

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FOR IMMEDIATE RELEASE

Alabama Court of Civil Appeals Rules in Gasp's Favor

BIRMINGHAM, Ala. — The Alabama Court of Civil Appeals today affirmed a prior court ruling that Gasp is entitled to a hearing before the Jefferson County Board of Health (BOH) on the reissuance of ABC Coke's operating permit.

ABC Coke is a subsidiary of Drummond Company, located in Tarrant, Ala. The facility is a source of toxic emissions and one of the worst polluters in the greater-Birmingham area.

Executive Director Michael Hansen called the decision a victory for the health for everyone who lives, works, and learns in metro Birmingham:

"Today, the right to breathe clean, healthy air prevailed. Our work to reduce the suffocating health burden of toxic air pollution is vital to a healthy and sustainable Alabama. The Court's ruling that Gasp is entitled to present evidence to the Board of Health has given us the opportunity to advocate for stronger health protections. We look forward to finding solutions to these serious issues."

Background

- Jefferson County Board of Health v. Gasp, Inc. (2150490)
- ABC Coke, a division of Drummond Company, Inc. v. Gasp, Inc. (2150489)

Gasp intervened in the permitting process beginning in 2014 by filing [extensive comments](#) on the company's draft permit. The Jefferson County Department of Health reissued the ABC Coke permit on August 11, 2014 without adopting significant improvements to protect public health. Gasp [appealed the permit](#) to the BOH the following month and requested a hearing.

On April 8, 2015, the BOH [voted to deny Gasp's request for a hearing](#) on ABC Coke's permit. Gasp [appealed](#) the BOH decision to the Circuit Court of Jefferson County, Ala. On January 14, 2016, the Circuit Court [reversed](#) the BOH decision.

The BOH appealed the Circuit Court decision to the Alabama Court of Civil Appeals. Oral arguments were heard before the Court at Samford University October 26. David A. Ludder represented Gasp.

Contact Michael Hansen at 205-746-4666 or michael@gaspgroup.org for more information.

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Gasp is a nonprofit health advocacy organization based in Birmingham, Ala. Our mission is to citizens' exposure to air pollution, educate the public on the health risks associated with poor air quality, and encourage community leaders to serve as role model by advocating for clean air and clean energy.