

Despite court case, environmental regulators ignore duty

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North Birmingham residents demanded answers. Environmental groups demanded a resignation. Alabama Environmental Management Commission Chairman Lanier Brown gave them neither, and not even an apology. (Dennis Pillion | dpillion@al.com)

By Kyle Whitmire, kwhitmire@al.com

This is an opinion column.

Mr. Lanier Brown, this letter is for you.

I wanted to make sure you remembered it, so I'm putting it here. You seem to have forgotten others in the past, like when you told my colleague John Archibald last year that you didn't remember getting anything "directly from Joel (Gilbert)."

Unfortunately for you, Gilbert did. Every time he wrote you an email, the Balch & Bingham lawyer recorded it in his billing summaries so he'd get paid for that work by his client, Drummond Co. Gilbert, as you know, and Drummond vice president David Roberson were found guilty last month of bribing former state Rep. Oliver Robinson.

Short of some victory on appeal, they're on their way to prison, and when those cell doors slam, I'm sure a lot of folks will dust their hands and say justice was served.

But not me.

For every corrupt goon who gets shipped off to the hoosegow for corruption, there are dozens of folks -- the corruption adjacent -- who are left alone to whistle past the jail yard, like nothing ever happened.

Folks like you.

As chairman of the Alabama Environmental Management Commission, you share a duty with your fellow commissioners to ensure Alabama's environment is protected from polluters.

But that's not what happened -- not in north Birmingham and Tarrant.

When the Environmental Protection Agency tried to clean those neighborhoods up, Roberson and Gilbert and their associates, concocted a multi-faceted

astroturfing scheme, leveraging connections in every level of government to fight state and federal environmental regulators.

And you helped them.

Roberson and Gilbert needed the Alabama Department of Environmental Management to resist the EPA, too. The AEMC hires and fires ADEM directors and has direct influence there.

So they turned to you.

They also turned to AEMC Commissioner Scott Phillips who -- and how this is legal, I still haven't figured out -- worked as a contractor for Balch and Drummond at the same time. In a PowerPoint presentation for them, Phillips proposed to "hijack" a civic group in north Birmingham. On the stand, he said that "hijack" really meant "work with."

You know, like how al Qaeda works with the airlines.

Phillips has since left the commission.

But at the time, court records show, Gilbert and Phillips were in regular contact with you, sending you emails, white papers and the propaganda their "community outreach" distributed in those communities.

At least once, Gilbert, Glenn, Robinson and Phillips met you for drinks and dinner. Their emails make it clear that was a business meeting.

In the end, you did what they needed you to do. You applied pressure to ADEM.

And it worked.

ADEM resisted. The EPA never put the north Birmingham Superfund on its National Priorities List. Tarrant never got more than a second look.

All because the polluters in those neighborhoods were afraid they'd be left to pay the bill if the EPA cleaned those places up, potentially costing them millions.

Now, unless the EPA reverses course, they won't have to.

And they have you to thank for a small part of that -- the guy who was supposed to be looking out for the environment.

When you take your kid fishing, stuff like this is why you can't eat the fish.

I have an inkling for how you might have felt when the truth came out. A few days after the verdict I was invited to speak about this case before a civic group in downtown Birmingham, where I blasted everyone with an ounce of culpability in this scheme.

Well, all but one -- you -- because your father, Judge Houston Brown, was in the crowd. (I should note here that you and I know each other and are friendly, if not friends. Maybe I wasn't eager to shoot Old Yeller.) I was embarrassed for you, and I had hoped you'd set things right if given the opportunity.

But then you failed again.

Environmental groups have demanded your resignation, and last week, residents from those affected neighborhoods came to an AEMC meeting to demand an explanation from you.

You gave them neither. You didn't even say you were sorry.

Instead, you gavelled out the meeting without saying a word. You turned your backs on those folks.

Again.

Kyle Whitmire is the state political columnist for the Alabama Media Group.