



Gasp, Environmental Defense Alliance Allege Alabama Officials Violated Open Records Act

by Michael Hansen | May 18, 2020

Complaints stem from federal corruption case related to the North Birmingham Superfund Site

BIRMINGHAM, Ala. — Gasp and the Environmental Defense Alliance today filed joint complaints against Alabama Department of Environmental Management (ADEM) Director Lance LeFleur, Environmental Management Commissioner (EMC) Lanier Brown, and Attorney General (AG) Steve Marshall.

The complaints allege that LeFleur, Brown, and Marshall violated the Alabama Open Records Act by knowingly and without authority withholding public records lawfully requested by the organizations pertaining to the 35th Avenue Superfund Site in the North Birmingham community (35th Avenue Site).

The two organizations requested various records from LeFleur, Brown, and Marshall before, during, and after the 2018 federal trial of former Drummond Company executive David Roberson and former Balch & Bingham partner Joel Gilbert, both of whom were found guilty of multiple corruption charges.

In 2013, Drummond was identified as a “potentially responsible party” by the U.S. Environmental Protection Agency (EPA) for contamination in the 35th Avenue Site. In 2014, the EPA proposed adding the 35th Avenue Site to the National Priorities List and began investigating potential contamination in the Tarrant and Inglenook communities. Together with Balch & Bingham, Drummond sought to influence public officials — including LeFleur, Brown, and then-AG Luther Strange — to oppose the EPA’s cleanup activities.

“LeFleur, Brown, and Marshall declined to disclose many governmental records that EDA and Gasp believe should be made public,” said EDA attorney David Ludder. “These records may reveal new evidence of collusion between State government officials and Drummond or its agents to protect Drummond’s wealth at the expense of the community’s health,” Ludder said.

“Gasp has for years been working to ensure that air pollution in the area is reduced and that any cleanup includes long-term remediation that benefits the residents of the impacted

neighborhoods,” said Gasp Executive Director Michael Hansen. “To that end, we have tried to use every tool in the toolbox, including the Open Records Act, to make sure residents get a fair shake. Alabamians deserve a government that works to protect them and not wealthy special interests.”

For more information, contact Michael Hansen, (michael@gaspgroup.org) or David Ludder (davidaludder@enviro-lawyer.com).

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Gasp’s mission is to advance healthy air and environmental justice in the Greater-Birmingham area through education, advocacy and collaboration. gaspgroup.org

The Environmental Defense Alliance strategically uses law and policy to protect human health and the environment. environmentaldefensealliance.org