

MOSSVILLE ENVIRONMENTAL ACTION NOW, INC.

News Release

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FOR IMMEDIATE RELEASE

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Mossville Group Files Lawsuit against the Louisiana Department of Environmental Quality

LDEQ's Air Permit Unlawfully Exempts Georgia Gulf Vinyl Facility from Compliance with Air Standards

Sep. 13, 2012 – Mossville Environmental Action Now, Inc. (MEAN) filed a lawsuit against the Louisiana Department of Environmental Quality (LDEQ) for issuing an air permit that exempts the Georgia Gulf Lake Charles, LLC vinyl facility from compliance with the Louisiana Ambient Air Standards. The LDEQ's decision to issue the permit acknowledges that the Georgia Gulf facility pollutes the air beyond its fence line with toxic chemicals in concentrations that are four to five times higher than the health-based ambient air standards. However, LDEQ described an area where the toxic concentrations are present as a "forest" and ignored the fact that Mossville families live in this area.

For years, MEAN has complained about noxious odors and toxic releases from the Georgia Gulf facility that is located across a small road from Mossville residents. The U.S. Agency for Toxic Substances and Disease Registry, which detected elevated levels of dioxins in the blood of Mossville residents, has suspected the Georgia Gulf facility of being a potential source for the dioxin exposure.

"What the LDEQ did was ignore the fact that people live in the area where Georgia Gulf's toxic emissions exceed the air standards. We are breathing Georgia Gulf's toxic pollution. The LDEQ's decision violates our human right to health," said Dorothy Felix, President of Mossville Environmental Action Now.

"Air monitoring data and official reports reveal that for several years the Georgia Gulf vinyl facility has been emitting high concentrations of toxic chemicals into the Mossville area, where people live. These chemicals are scientifically known to cause liver cancer, lung and kidney damage, respiratory ailments, and headaches," said Wilma Subra, environmental science advisor to MEAN.

The central issue in the lawsuit is whether the LDEQ's permit decision is authorized by a Louisiana air regulation. Although not generally regarded as a state that imposes environmental regulations more protective than those set by the EPA, Louisiana has established the Ambient Air Standard Requirements, a regulation that goes beyond federally-mandated pollution controls on industrial equipment. This regulation requires companies to test the air beyond their facility's fence line to determine whether the facility is releasing toxic pollution in excess of the limits set by ambient air standards. The regulation generally prohibits a company from releasing any pollutant that exceeds an ambient air standard. The only exception to the prohibition requires a company to demonstrate that it would be economically infeasible to comply with the ambient air standard, its release of pollution in excess of the air standard is not likely to pose a public health threat, and that it meets federal requirements for pollution controls. A preliminary determination by the LDEQ that a company meets all three requirements requires a public hearing before a final decision is made.

According to the lawsuit filed by Advocates for Environmental Human Rights (AEHR) on behalf of MEAN, LDEQ made its preliminary determination without any showing from Georgia Gulf that compliance with the ambient air standards would be economically infeasible. Additionally, the lawsuit argues that LDEQ issued the permit in disregard of the fact that a serious public health threat exists for Mossville residents living in the area where Georgia Gulf's emissions of a toxic chemical are in excess of an ambient air standard.

"The record of the LDEQ's decision-making shows a blatant disregard for protecting the rights of Mossville families exposed to Georgia Gulf's toxic pollution," said Nathalie Walker, AEHR Co-Director and Attorney. "LDEQ's cavalier approach to trampling on their rights raises the question of how many other Louisiana communities are being exposed to toxic pollution as a result of LDEQ unlawfully exempting companies from complying with health-based air standards," she said. AEHR is a public interest law firm that also represents Mossville residents in human rights case against the U.S. Government that is pending before the Inter-American Commission on Human Rights.

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Mossville Environmental Action, Inc. (MEAN), is a nonprofit organization working for more than 30 years on behalf of the residents of Mossville, Louisiana on multiple fronts: advocating for environmental justice, educating residents about the health and environmental impacts of toxic pollution; compelling federal and state environmental agencies to enforce human rights laws; and advocating for health services, relocation, and pollution reduction to improve the lives and health of residents.