

**From:** [Rhodes, Julia \(she/her/hers\)](#)  
**To:** [Brungard, Morgan](#); [Danielle.Borel@bswllp.com](mailto:Danielle.Borel@bswllp.com); [Tim.Hardy@bswllp.com](mailto:Tim.Hardy@bswllp.com); [John.King@bswllp.com](mailto:John.King@bswllp.com)  
**Cc:** [Murrill, Elizabeth](#); [St. John, Joseph](#); [Seidemann, Ryan](#); [Courtney Burdette](#); [Neal Elliott](#); [David McCay](#); [Dorka, Lilian](#); [Payne, James \(Jim\)](#)  
**Subject:** RE: follow up to discussion of objections received last week  
**Date:** Tuesday, February 14, 2023 10:01:06 AM  
**Attachments:** [image001.png](#)  
[image002.png](#)

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Thanks, Morgan.

I will send a meeting invite now, as opposed to waiting to receive an email from all. I will send it to the folks who you identified.

Thanks,  
Julia

Julia Rhodes  
Assistant General Counsel for the Civil Rights Law Practice Group  
Civil Rights and Finance Law Office  
Office of General Counsel  
Environmental Protection Agency  
1200 Pennsylvania Avenue, NW, 2399A  
Washington, DC 20460  
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**From:** Brungard, Morgan <BrungardM@ag.louisiana.gov>  
**Sent:** Tuesday, February 14, 2023 10:34 AM  
**To:** Rhodes, Julia (she/her/hers) <Rhodes.Julia@epa.gov>; [Danielle.Borel@bswllp.com](mailto:Danielle.Borel@bswllp.com); [Tim.Hardy@bswllp.com](mailto:Tim.Hardy@bswllp.com); [John.King@bswllp.com](mailto:John.King@bswllp.com)  
**Cc:** [Murrill, Elizabeth <MurrillE@ag.louisiana.gov>](mailto:MurrillE@ag.louisiana.gov); [St. John, Joseph <StJohnJ@ag.louisiana.gov>](mailto:StJohnJ@ag.louisiana.gov); [Seidemann, Ryan <SeidemannR@ag.louisiana.gov>](mailto:SeidemannR@ag.louisiana.gov); [Courtney.Burdette@LA.GOV](mailto:Courtney.Burdette@LA.GOV); [Neal.Elliott@LA.GOV](mailto:Neal.Elliott@LA.GOV); [David.McCay@LA.GOV](mailto:David.McCay@LA.GOV); [Dorka, Lilian <Dorka.Lilian@epa.gov>](mailto:Dorka.Lilian@epa.gov); [Payne, James \(Jim\) <payne.james@epa.gov>](mailto:payne.james@epa.gov)  
**Subject:** RE: follow up to discussion of objections received last week

Thanks for the clarification, Julia. I am available at that time.

I have also copied Solicitor General Liz Murrill and Deputy Solicitor General Scott St. John on this email so that they can respond with their availability. It would be helpful if you could make sure to include all three of us on all emails going forward.

Many thanks,



**Morgan Brungard**  
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**From:** Rhodes, Julia (she/her/hers) <[Rhodes.Julia@epa.gov](mailto:Rhodes.Julia@epa.gov)>

**Sent:** Tuesday, February 14, 2023 9:28 AM

**To:** Brungard, Morgan <[BrungardM@ag.louisiana.gov](mailto:BrungardM@ag.louisiana.gov)>; [Danielle.Borel@bswllp.com](mailto:Danielle.Borel@bswllp.com);  
[Tim.Hardy@bswllp.com](mailto:Tim.Hardy@bswllp.com); [John.King@bswllp.com](mailto:John.King@bswllp.com)

**Cc:** Murrill, Elizabeth <[MurrillE@ag.louisiana.gov](mailto:MurrillE@ag.louisiana.gov)>; St. John, Joseph <[StJohnJ@ag.louisiana.gov](mailto:StJohnJ@ag.louisiana.gov)>;  
Seidemann, Ryan <[SeidemannR@ag.louisiana.gov](mailto:SeidemannR@ag.louisiana.gov)>; [Courtney.Burdette@LA.GOV](mailto:Courtney.Burdette@LA.GOV);  
[Neal.Elliott@LA.GOV](mailto:Neal.Elliott@LA.GOV); [David.McCay@LA.GOV](mailto:David.McCay@LA.GOV); Dorka, Lilian <[Dorka.Lilian@epa.gov](mailto:Dorka.Lilian@epa.gov)>; Payne, James  
(Jim) <[payne.james@epa.gov](mailto:payne.james@epa.gov)>

**Subject:** RE: follow up to discussion of objections received last week

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Good morning Morgan,

Yes, I am sorry. I meant today, at 230PM EST.

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Civil Rights and Finance Law Office  
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**From:** Brungard, Morgan <[BrungardM@ag.louisiana.gov](mailto:BrungardM@ag.louisiana.gov)>  
**Sent:** Tuesday, February 14, 2023 10:26 AM  
**To:** Rhodes, Julia (she/her/hers) <[Rhodes.Julia@epa.gov](mailto:Rhodes.Julia@epa.gov)>; [Danielle.Borel@bswllp.com](mailto:Danielle.Borel@bswllp.com);  
[Tim.Hardy@bswllp.com](mailto:Tim.Hardy@bswllp.com); [John.King@bswllp.com](mailto:John.King@bswllp.com)  
**Cc:** Murrill, Elizabeth <[MurrillE@ag.louisiana.gov](mailto:MurrillE@ag.louisiana.gov)>; St. John, Joseph <[StJohnJ@ag.louisiana.gov](mailto:StJohnJ@ag.louisiana.gov)>;  
Seidemann, Ryan <[SeidemannR@ag.louisiana.gov](mailto:SeidemannR@ag.louisiana.gov)>; [Courtney.Burdette@LA.GOV](mailto:Courtney.Burdette@LA.GOV);  
[Neal.Elliott@LA.GOV](mailto:Neal.Elliott@LA.GOV); [David.McCay@LA.GOV](mailto:David.McCay@LA.GOV); Dorka, Lilian <[Dorka.Lilian@epa.gov](mailto:Dorka.Lilian@epa.gov)>; Payne, James  
(Jim) <[payne.james@epa.gov](mailto:payne.james@epa.gov)>  
**Subject:** RE: follow up to discussion of objections received last week

Hi Julia,

I'm a little confused by the dates in your email. You say that you would like to "schedule a call tomorrow/Tues at 2:30pm eastern / 1:30pm central." Tomorrow is Wednesday. Did you mean **today** at 1:30 central?

Many thanks,



**Morgan Brungard**  
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**From:** Rhodes, Julia (she/her/hers) <[Rhodes.Julia@epa.gov](mailto:Rhodes.Julia@epa.gov)>  
**Sent:** Tuesday, February 14, 2023 7:22 AM  
**To:** [Danielle.Borel@bswllp.com](mailto:Danielle.Borel@bswllp.com); [Tim.Hardy@bswllp.com](mailto:Tim.Hardy@bswllp.com); [John.King@bswllp.com](mailto:John.King@bswllp.com)  
**Cc:** Seidemann, Ryan <[SeidemannR@ag.louisiana.gov](mailto:SeidemannR@ag.louisiana.gov)>; Brungard, Morgan  
<[BrungardM@ag.louisiana.gov](mailto:BrungardM@ag.louisiana.gov)>; [Courtney.Burdette@LA.GOV](mailto:Courtney.Burdette@LA.GOV); [Neal.Elliott@LA.GOV](mailto:Neal.Elliott@LA.GOV);  
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**Subject:** follow up to discussion of objections received last week

**CAUTION:** This email originated outside of Louisiana Department of Justice. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Good morning,

As briefly discussed last Thursday, EPA received objections to the participation of John King in the informal resolution discussions on behalf of the Louisiana Department of Justice (LADOJ) related to

pending Title VI external civil rights discrimination complaints against LDEQ and LDH, while Mr. King also represents the Formosa facility which was named in one of the complaints. We further explained that we had just received the objections and were still considering them. At that time, you confirmed that John King represents the Formosa facility and we understood you to say that any potential dual representation issue had been addressed with LADOJ. Our intent here is not to inquire about any Louisiana bar obligations for dual representation.

Instead, our intent is to raise EPA's concern with preserving the integrity of the Title VI process. Specifically, 40 CFR Part 7, which is EPA's implementing regulation, and EPA's Case Resolution Manual do not reflect that any facility or a facility's legal representative has a role or ability to participate in the informal complaint resolution process. As a result, having the legal representative of a facility participate in this process potentially may create a perception in the community and the public generally that any informal resolution agreement resulting from our hard work together should not be trusted and/or should be questioned. So, we invite you to provide input or suggestions for how to address this potential perception, preserve the integrity of this civil rights complaint process and to shore up trust in the process for all. We propose scheduling a call to discuss this in advance of our next informal discussion session which is scheduled for tomorrow/Tues at 3pm eastern / 2pm central.

**We propose that we schedule a call tomorrow/Tues at 2:30pm eastern / 1:30pm central.**

Thank you,

Julia Rhodes  
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