



Contacts:

Diane Wilson, 361-218-2353

David Bright: 361-653-3300

Amy Johnson, lead attorney for Waterkeeper: 503-939-2996

## **Waterkeepers Fight Corporate Secrecy to Make Confidential Documents Public**

Point Comfort, Texas.... On April 27, 2022, federal district judge  
Kenneth Hoyt approved the final dispute about 320 exhibits

originally claimed confidential by Formosa Plastics Corp., Texas in Clean Water Act litigation filed by San Antonio Bay Waterkeeper and settled in 2019. 290 documents with previous claims of confidentiality are now available publicly. 27 documents have dramatically limited redactions of confidential information. And only 3 of the 320 originally claimed confidential remain under seal.

Waterkeeper's Clean Water Act settlement with Formosa Plastics required a review of Formosa's claims to confidentiality in Waterkeeper's experts' reports and proposed findings of fact. (This is in paragraph 71 of the Consent Decree.) When Judge Hoyt approved the Consent Decree, he ordered that all exhibits filed in his court that were claimed confidential be reviewed to ensure they complied with the law. That process was completed December 31, 2021.

Only private bids, engineering drawings claimed by third parties to be privileged, and highly protected financial information of Formosa's have been agreed as confidential. Now available to the public are hundreds of pages of Formosa's emails showing internal discussions of plastics discharges, proposals by other companies of efforts to help stop plastic discharges, and expert analysis of the issues at Formosa in Point Comfort, Texas. Many of those documents can be found in an archive maintained by the University of California at Irvine. <https://disaster-sts-network.org/content/formosa-plastics-archive>

David Bright, a Corpus Christi attorney representing Waterkeeper stated, "We fought a serial polluter in this Clean Water Act case, and we won that legal fight. Now we have

fought corporate secrecy, bringing these documents into the light of day. And the documents will now see the light of day.”

“Our Formosa case has lessons for state and federal regulators and the plastics industry about powder and pellets getting into our public waters. These documents can help understand the problem and protect our waters,” said Diane Wilson, head of SABE Waterkeeper and an individual plaintiff in the lawsuit.

The implementation of the 2019 Consent Decree in *San Antonio Bay Estuarine Waterkeeper v. Formosa Plastics Corp., Texas*, will continue for years. Cleanup of discharged plastics continues. A Monitor looks for discharged plastics many times each week. A Wastewater Sampling Mechanism, designed by Waterkeeper’s expert engineering Dr. Aiza Jose-Sanchez of Dallas, started regularly testing Formosa’s discharges into

Lavaca Bay in June 2021 and has detected 239 days when plastics were in Formosa's wastewater headed to the Bay. The additional discharges have meant \$ 5.3 million in additional mitigation funds paid by Formosa to the Matagorda Bay Mitigation Trust to be awarded for local environmental research and other projects (in addition to the \$50 million settlement). Waterkeeper is also reviewing engineering changes proposed to Formosa's facility to guarantee zero discharge of plastics.

The final documents are in the shared dropbox folder here: <https://www.dropbox.com/sh/bnodginmjlmgmmx/AAAT8xiT25JD3D67rPtMu45Wa?dl=0>